



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**IMMIGRATION AND ITS EFFECTS ON THE  
NATIONAL SECURITY OF SRI LANKA**

by

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December 2016

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**IMMIGRATION AND ITS EFFECTS ON THE NATIONAL SECURITY OF SRI  
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## **ABSTRACT**

Immigration has social, political, economic, and security significance in Sri Lanka. Immigrants bring economic potential to the countries receiving them but also pose many security threats that may include criminal, terrorist, and extremist activities, as well as ethnic tensions and sectarian violence. This study identifies some of the potential threats posed by immigration, both legal and illegal, and examines the underdeveloped framework of Sri Lankan immigration law. A comparative analysis of Sri Lanka, its neighbor India, and the island nation of Bahamas serves to identify possible measures for revising the existing counterterrorism approaches and introducing new strategies to Sri Lanka. Furthermore, an analysis of these countries demonstrates that reform of comprehensive policies, the practice of immigration control, and effectively coordinated counterterrorism strategies to monitor immigrants may enhance the national security of Sri Lanka.

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## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>A.</b>	<b>MAJOR RESEARCH QUESTION.....</b>	<b>1</b>
<b>B.</b>	<b>SIGNIFICANCE OF THE RESEARCH QUESTION.....</b>	<b>2</b>
<b>C.</b>	<b>LITERATURE REVIEW .....</b>	<b>7</b>
1.	Causes of Migration.....	7
2.	Sociological Theory (Push-Pull).....	9
3.	The Nexus of Security and Migration .....	11
4.	Immigration and Counterterrorism.....	15
<b>D.</b>	<b>POTENTIAL EXPLANATIONS AND HYPOTHESES .....</b>	<b>20</b>
<b>E.</b>	<b>RESEARCH DESIGN .....</b>	<b>21</b>
<b>F.</b>	<b>THESIS OVERVIEW .....</b>	<b>22</b>
<b>II.</b>	<b>IMMIGRATION IN SRI LANKA .....</b>	<b>23</b>
<b>A.</b>	<b>HISTORICAL BACKGROUND OF IMMIGRATION .....</b>	<b>23</b>
<b>B.</b>	<b>THREATS TO NATIONAL SECURITY .....</b>	<b>25</b>
1.	Criminal Activities .....	26
2.	Terrorism.....	28
3.	Religious Extremism .....	34
4.	Influx of Labor Immigration .....	36
<b>C.</b>	<b>MEASURES TAKEN BY THE GOVERNMENT OF SRI LANKA .....</b>	<b>38</b>
1.	Immigration Sources and Policies .....	38
2.	Counterterrorism Strategies .....	41
<b>III.</b>	<b>IMMIGRATION AND NATIONAL SECURITY: A COMPARATIVE ANALYSIS OF INDIA AND THE BAHAMAS .....</b>	<b>45</b>
<b>A.</b>	<b>INDIA.....</b>	<b>45</b>
1.	Historical Background of the Migration from Bangladesh to the Assam State .....	46
2.	Causes and Effects on National Security .....	48
3.	Measures Taken by the Government of India.....	53
<b>B.</b>	<b>BAHAMAS .....</b>	<b>57</b>
1.	Historical Background of Haitian Immigration.....	57
2.	Causes and Effects on National Security .....	60
3.	Measures Taken by the Government of Bahamas .....	65
<b>C.</b>	<b>ANALYSIS .....</b>	<b>69</b>

<b>IV.</b>	<b>ANALYSIS AND RECOMMENDATIONS.....</b>	<b>71</b>
<b>A.</b>	<b>IMMIGRATION LAWS, POLICIES, AND BORDER SECURITY MANAGEMENT.....</b>	<b>71</b>
<b>1.</b>	<b>Domestic Control Measures .....</b>	<b>71</b>
<b>2.</b>	<b>International Coordination .....</b>	<b>78</b>
<b>B.</b>	<b>COUNTERTERRORISM STRATEGIES AND CONCEPTS.....</b>	<b>80</b>
<b>1.</b>	<b>Domestic Measures .....</b>	<b>81</b>
<b>2.</b>	<b>International and Regional Measures .....</b>	<b>86</b>
<b>C.</b>	<b>BOTTOM LINE.....</b>	<b>87</b>
<b>V.</b>	<b>CONCLUSION .....</b>	<b>89</b>
<b>A.</b>	<b>A NEW HOMELAND SECURITY CONCEPT FOR SRI LANKA .....</b>	<b>89</b>
<b>1.</b>	<b>Fundamental Aim for Homeland Security Strategy .....</b>	<b>90</b>
<b>2.</b>	<b>Effective Coordination and Response .....</b>	<b>91</b>
<b>3.</b>	<b>Conceptual Model Designed for Sri Lanka .....</b>	<b>94</b>
<b>B.</b>	<b>FINAL THOUGHTS .....</b>	<b>98</b>
	<b>LIST OF REFERENCES .....</b>	<b>101</b>
	<b>INITIAL DISTRIBUTION LIST .....</b>	<b>115</b>

## LIST OF FIGURES

Figure 1.	The Arrival of Immigrants from 2006 to 2015. ....	3
Figure 2.	Purpose of the Entry to Sri Lanka in 2012. ....	4
Figure 3.	Framework of Push-Pull Theory. ....	10
Figure 4.	Conceptualization of Causes and Effects of Immigration .....	20
Figure 5.	Operationalization of Immigration for Security. ....	22
Figure 6.	Quantity of Drugs Seized by the Police Narcotics Bureau. ....	27
Figure 7.	Map of Assam State. ....	46
Figure 8.	Average Rate of Crime in Assam Region. ....	52
Figure 9.	Map of Bahamas. ....	58
Figure 10.	National Security Model for Sri Lanka. ....	90
Figure 11.	Conceptual Model for Homeland Security. ....	95

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## LIST OF TABLES

Table 1.	Summary of Tasks Performed by the Departments, Law Enforcement, and Other Organizations.....	96
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## **LIST OF ACRONYMS AND ABBREVIATIONS**

AML	Anti-money laundering
ASEAN	Association of South East Asian Nations
AUDF	Assam United Democratic Front
BTF	British Tamil Forum
CDS	Chief of Defence Staff
DHS	Department of Homeland Security
DIE	Department of Immigration and Emigration
EAG	Eurasian Group on Combating Money Laundering and Terrorist Financing
ETCA	Economic and Technology Cooperation Agreement
FATF	Financial Action Task Force
GCTF	Global Counterterrorism Forum
GTF	Global Tamil Forum
IDPs	Internally displaced persons
INGO	International non-governmental organization
IOM	International Organization of Migration
JIC	Joint Intelligence Committee
JOC	Joint Operational Command
LTTE	Liberation Tigers of Tamil Eelam
MHA	Ministry of Home Affairs
MOD	Ministry of Defence
NIA	National Investigation Agency
NGO	Non-governmental organization
PKK	Partiya Karkerên Kurdistanê (Kurdistan Workers' Party)
PTF	Presidential Task Force
QRT	Quick reaction team
RAW	Research and Analysis Wing
SAARC	South Asian Association of Regional Cooperation
SAR	South Asian Region
SLBFE	Sri Lanka Bureau of Employment

SSB	Sashastra Seema Bal
TGTE	Transnational Government of Tamil Eelam
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSCR	United Nations Security Council Resolution
WHO	World Health Organization
WMD	Weapons of mass destruction



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## I. INTRODUCTION

Since Sri Lanka's civil war ended in 2009, the peace and stability of the nation has attracted migrants with varying aspirations and agendas. Tourists are the main category of temporary immigrants; in 2015, 1.7 million visitors came to Sri Lanka.<sup>1</sup> Tourism accounted for 11.1 percent of Sri Lanka's gross domestic product in 2015, and the trend is increasing.<sup>2</sup> Apart from tourists, legal immigrants to the country include Tamil returnees, job seekers with visas, and temporary business immigrants.

Other migrants, who have illegally entered the country, use Sri Lanka as a hub for crime or espionage or as a stopover on the way to places like Australia and Western Europe. Sri Lanka is an island nation, but it is by no means immune to the forces of migration or the potential threats that come with it: the possible re-emergence of terrorism, the advent of extremist groups, the rekindling of ethnic divisions and sectarian violence, organized crime, and smuggling. Sri Lanka's national security strategy does not directly address migration, however—despite the gravity of these potential threats.

### A. MAJOR RESEARCH QUESTION

How does migration affect national security in Sri Lanka? This thesis explores the security implications of migration—legal and illegal—to Sri Lanka, in part by examining the migration experiences, policies, and practices of other states in South Asia and other island nations around the world. The hope is to identify immigration policies and counterterrorism measures that Sri Lanka can put into action today—before migration becomes a national security problem.

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<sup>1</sup> “Nearly 1.8 Million Tourists Visit Sri Lanka in 2015,” Ministry of Defence Sri Lanka, accessed November 16, 2016, [http://www.defence.lk/new.asp?fname=Nearly\\_18\\_million\\_tourists\\_visit\\_Sri\\_Lanka\\_in\\_20150105\\_02](http://www.defence.lk/new.asp?fname=Nearly_18_million_tourists_visit_Sri_Lanka_in_20150105_02).

<sup>2</sup> World Travel and Tourism Council, *Travel & Tourism: Economic Impact 2015, Sri Lanka* (London, UK: Author, 2015), 3, <https://www.wttc.org/-/media/files/reports/economic%20impact%20research/countries%202015/srilanka2015.pdf>.

## B. SIGNIFICANCE OF THE RESEARCH QUESTION

Human migration has taken place throughout history. At times, it has been considered an opportunity by the receiving countries, but more often, migration is viewed as a threat.<sup>3</sup> Certainly today, migration seems to threaten the social and political stability of the world's established democracies, notably in Europe amid the continuing influx of refugees from the war in Syria and economic migrants from Africa, but also, in the light of rhetoric of the 2016 presidential campaign, in the United States of America.<sup>4</sup>

The threat is neither abstract nor rhetorical, however. For example, the September 11, 2001, terrorist attacks triggered new reforms and inspired the impetus to streamline the existing immigration system. As Mittelstadt et al. describe, "the post-9/11 era marked the birth of a new generation of interoperable databases that sit at the crossroads of intelligence and law enforcement, reshaping immigration enforcement at the federal, state, and local levels through increased information collection and sharing."<sup>5</sup> European countries, on the other hand, after major terrorist attacks have adopted immigration policies like *securitization* and *marketization* to protect citizens and immigrants from terrorists by closing the gate to terrorism and opening the gate to immigration for laborers.<sup>6</sup>

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<sup>3</sup> Jef Huysmans, "The European Union and the Securitization of Migration," *Journal of Common Market Studies* 38, no. 5 (December 2000): 752, [http://88.255.97.25/serve/resfall12\\_13/intl551\\_AIcdygu/week9.PDF](http://88.255.97.25/serve/resfall12_13/intl551_AIcdygu/week9.PDF). See also Jack A. Goldstone, "Population and Security: How Demographic Change Can Lead to Violent Conflict," *Journal of International Affairs* 56, no. 1 (Fall 2002): 3–21, <http://www.jstor.org/stable/24357881>. For details on the American perspective of immigrants after terrorist attack in Brussels, see Nate Silver, "Past Terrorist Attacks Helped Trump Capitalize on Anti-Muslim Sentiment," *FiveThirtyEight*, March 22, 2016, <http://fivethirtyeight.com/features/past-terrorist-attacks-helped-trump-capitalize-on-anti-muslim-sentiment/>. For details on the American public's opinion about immigration, see Frank Newport, "American Public Opinion and Immigration," *GALLUP*, July 20, 2015, <http://www.gallup.com/opinion/polling-matters/184262/american-public-opinion-immigration.aspx>.

<sup>4</sup> Michelle Mittelstadt et al., *Through the Prism of National Security: Major Immigration Policy and Program Changes in the Decade since 9/11* (Washington, DC: Migration Policy Institute, 2011), 1, <http://www.migrationpolicy.org/research/post-9-11-immigration-policy-program-changes>.

<sup>5</sup> Mittelstadt et al., "Through the Prism of National Security," 1.

<sup>6</sup> Myron Weiner, "Security, Stability and International Migration," *Internal Security* 17, no. 3 (Winter 1992–1993): 91–126, <http://www.jstor.org/stable/pdf/2539131.pdf>.

Today, Sri Lanka enjoys the full benefits of peace and is concentrating on economic development to bring prosperity to the country and its citizens. At the same time, the country must accelerate efforts to address the residual effects of its decades-long battle against the Liberation Tamil Tigers of Eelam (LTTE). Sri Lanka suffered heavy economic devastation and lost countless opportunities for growth during the war. Tourists did not visit the country, and foreign investments declined drastically.

Even as the war was winding down, Sri Lanka experienced a three-fold increase in immigrants between 2006 and 2010. Community riots reduced the numbers between 2008 and 2009, but with rapid globalization and an increase in tourism, the numbers have increased drastically since 2010 (see Figure 1).

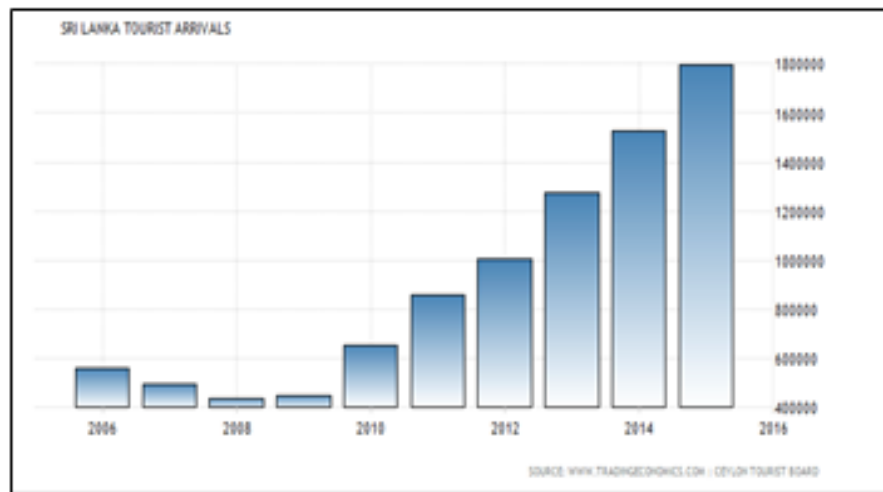


Figure 1. The Arrival of Immigrants from 2006 to 2015.<sup>7</sup>

Furthermore, tourist arrivals increased by roughly 19 percent (209,351) between June 2015 and June 2016.<sup>8</sup> The average number of tourist arrivals per year was 422,110

<sup>7</sup>Source: "Sri Lanka Tourist Arrivals," Trading Economics, <http://www.tradingeconomics.com/sri-lanka/tourist-arrivals>.

<sup>8</sup>"Sri Lanka Tourist Arrivals up 19.1-Pct in July 2016," Economy Next, August 5, 2016, [http://www.economynext.com/Sri\\_Lanka\\_tourist\\_arrivals\\_up\\_19.1\\_pct\\_in\\_July\\_2016-3-5791.html](http://www.economynext.com/Sri_Lanka_tourist_arrivals_up_19.1_pct_in_July_2016-3-5791.html).

between 1970 and 2015.<sup>9</sup> Figure 2 illustrates 2012 arrivals by purpose of entry into Sri Lanka.

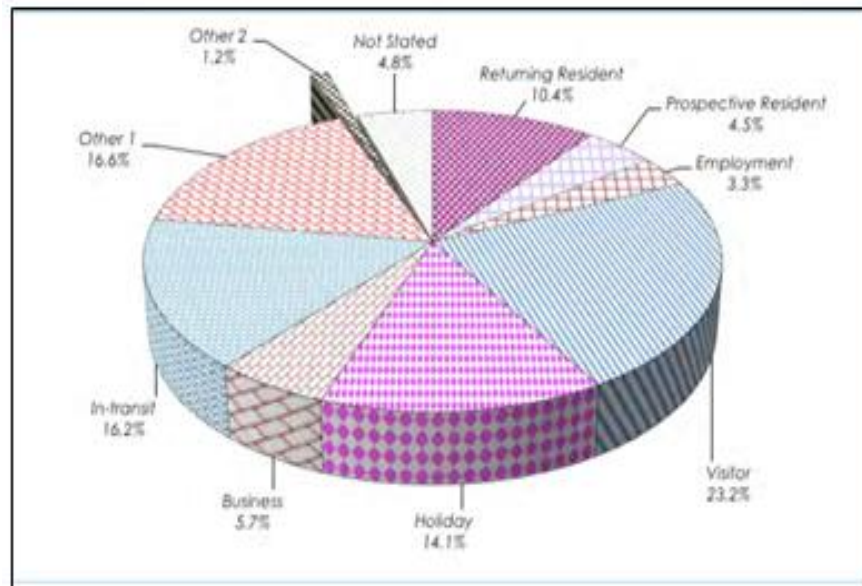


Figure 2. Purpose of the Entry to Sri Lanka in 2012.<sup>10</sup>

Visiting friends and relatives was the most common reason for entry at 23.2 percent (606,581). This category was followed by short-term arrivals at 16.2 percent (423,756). Next came holiday visits, which contributed 14.1 percent (367,427), while 5.7 percent (149,158) visited for business purposes, and 10.4 percent (272,057) were non-citizen (returning) residents.<sup>11</sup>

It is important to consider the composition of immigrants throughout the country. Indians, Chinese, and Maldivians make up the majority of immigrants. Pakistani nationals and some other South Asian immigrants represent another portion of the immigrant population. Immigrants from Nigeria and other African nations were seen in

<sup>9</sup> “Sri Lanka Tourist Arrivals,” Trading Economics.

<sup>10</sup> Source: “Tourist Statistic Annual Report 2012,” Statistics Botswana, <http://www.cso.gov.bw/images/tourism2012.pdf>.

<sup>11</sup> Ibid.

lower numbers.<sup>12</sup> The number of Chinese immigrants increased rapidly in Sri Lanka after the end of the war. The total Chinese immigrant population in Sri Lanka has not yet been calculated reliably, but it has been acknowledged that the increase is significant.<sup>13</sup> The descendants of early migrants are fewer, but the working community is much greater in number.<sup>14</sup> According to Sri Lanka's Department of Immigration and Emigration, as of 2010, “a total of 7,844 Chinese workers resided on employment visas, typically of one year validity in Sri Lanka.”<sup>15</sup>

The migration profile of Sri Lanka points to a rapid increase in Maldivian, Chinese, and Indian immigrants in recent years.<sup>16</sup> The main reasons for this migration include education, employment, and business.<sup>17</sup> Also, more than 1,000 Maldivians in the country have temporary visas at any given time.<sup>18</sup> This number consists of holiday-making tourists, patients for medical purposes, and visitors to family members who live in the country. Other than the Chinese and Maldivian populations, a considerable number of Indians are also living in Sri Lanka.<sup>19</sup> Given the enduring relationship and the geographical proximity of the countries, many Indians have immigrated to Sri Lanka for such purposes as business, agriculture, and education. These Indian immigrants are mainly concentrated in the northern and eastern parts of Sri Lanka but also occupy the capital of the country.

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<sup>12</sup> “Sri Lanka Tourist Arrivals,” Trading Economics.

<sup>13</sup> Quintus Perera, “Chinese Labour Work Three Times Harder than Sri Lankan Counterparts,” *Business Times*, October 23, 2011, <http://www.sundaytimes.lk/111023/BusinessTimes/bt027.html>.

<sup>14</sup> Ibid.

<sup>15</sup> “Sri Lanka Tourist Arrivals,” Trading Economics.

<sup>16</sup> Ministry of Foreign Employment Promotion and Welfare, *Migration Profile: Sri Lanka* (Colombo, Sri Lanka: Institute of Policy Studies of Sri Lanka, 2013), 6–9, [http://www.ips.lk/ips\\_migration/publication/migration\\_profile/migration\\_profile\\_ips.pdf](http://www.ips.lk/ips_migration/publication/migration_profile/migration_profile_ips.pdf).

<sup>17</sup> Ibid.

<sup>18</sup> Kumar Moses, “Allow Maldivians to Settle in Sri Lanka If Rising Sea Levels Threaten the Atoll,” *Lankaweb*, April 12, 2011, <http://www.lankaweb.com/news/items/2011/04/12/allow-maldivians-to-settle-in-sri-lanka-if-rising-sea-levels-threaten-the-atoll/>.

<sup>19</sup> “Number of Maldivians Visiting Sri Lanka Down 14 Percent in April,” vNews, May 11, 2015, <http://www.vnews.mv/43901>.

As Tom Miles and Shihar Aneez point out, during the recent past, many Pakistani and Afghan nationals were deported with the assistance of the Embassy of Pakistan while occupying as asylum seekers the Putlam and Nigambo areas.<sup>20</sup> Apart from these groups, small numbers of laborers from Myanmar, Nigerians for trade, and a few Europeans were also seen. These nationals have been staying in the country as tourist and work-visa holders or as undocumented immigrants.<sup>21</sup> Additionally, according to the United Nations High Commissioner for Refugees (UNHCR), the United Nations (UN) refugee agency, “205 Pakistani, Afghan and Iranian refugees and asylum seekers remain in detention in Sri Lanka.”<sup>22</sup> As such, the UNHCR guidelines for the government and policy makers of Sri Lanka suggest identifying eligibility of asylum claims of Muslims and Christian communities from Pakistan, Afghanistan, and Iran.<sup>23</sup>

The civil war that started in 1983 caused many Tamils to migrate to Western countries. According to the available statistics, approximately 800,000 Sri Lankan Tamil expatriates fled to Western countries during the war for their survival.<sup>24</sup> Approximately 620,000 Tamils fled to the United States, Canada, Australia, and other European countries, while approximately 180,000 took residence in Scandinavian counties and India.<sup>25</sup> As Sulakshani Perera explains, “There were some 140,000 Sri Lankan refugees in 65 countries, with a majority 70,000 in 112 refugee camps and other 32,000 living outside camps in Tamil Nadu.”<sup>26</sup> Many Tamils who have been living in Western

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<sup>20</sup> Tom Miles and Shihar Aneez, “UN Says Sri Lanka Illegally Returning Pakistani Asylum Seekers,” *Reuters*, August 2, 2014, <http://www.reuters.com/article/us-sri-lanka-refugees-idUSKBN0G20JX20140802>.

<sup>21</sup> Ibid.

<sup>22</sup> Bella Dalima, “UNHCR Urges Sri Lanka to Stop Deporting Pakistani Asylum Seekers,” *News First*, August 6, 2014, <http://newsfirst.lk/english/2014/08/unhcr-urges-lankan-authorities-stop-deportations-asylum-seekers/48223>.

<sup>23</sup> UN News Centre, “UN Refugee Agency Alarmed as Sri Lanka Deports Families Seeking Asylum,” August 12, 2014, <http://www.un.org/apps/news/story.asp?NewsID=48470#.V4B9LdlI-U>.

<sup>24</sup> Dhananjayan Sriskandarajan, “Tamil Diaspora Politics and Identity,” Springerlink, June 14, 2004, 494, [http://www.sangam.org/taraki/articles/2006/02-09\\_Diaspora\\_Tamil\\_Politics.pdf](http://www.sangam.org/taraki/articles/2006/02-09_Diaspora_Tamil_Politics.pdf).

<sup>25</sup> Ibid.

<sup>26</sup> Sulakshani Perera, “UNHCR Helps First Group of Sri Lankan Refugees Return by Ferry from India,” *UNHCR: The UN Refugee Agency*, October 12, 2011, <http://www.unhcr.org/en-us/news/latest/2011/10/4e959c759/unhcr-helps-first-group-sri-lankan-refugees-return-ferry-india.html>.



countries are in the process of returning to Sri Lanka to resettle, visit, or to claim their abandoned lands.<sup>27</sup>

## C. LITERATURE REVIEW

This literature review seeks to develop a contextual understanding of migration and its effects on national security. It also identifies migration patterns, causes, effects as well as migration-related threats and measures to overcome them. Specifically, this section examines the relevant migration theories and counterterrorism strategies while taking into account the dynamic nature of the present threats.

### 1. Causes of Migration

From the very beginning of human civilization, human migration has been “influencing the place of origin and the place of destination.”<sup>28</sup> The migration process has attracted the attention of social scientists, but most of the discussions are related to rural-urban migration and its consequences.<sup>29</sup> Typically, the literature concerns economic and social causes of migration.<sup>30</sup> For example, according to Zachariah, Mathew and Rajan; Bartram, and Weinstein, economic factors are predominant for urban and rural

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<sup>27</sup> Perera, “UNHCR Helps First Group of Sri Lankan Refugees Return by Ferry from India.”

<sup>28</sup> Patrick Manning and Tiffany Trimmer, *Migration in World History*, 2nd edition, (New York: Routledge, 2013), 5–8, <https://books.google.com/>.

<sup>29</sup> Douglas S. Massey et al., “Theories of International Migration: A Review and Appraisal,” *Population and Development Review* 19, no. 3 (1993): 431–66, doi: 10.2307/2938462.

<sup>30</sup> Rudolf Winter-Ebmer, “Motivation for Migration and Economic Success,” *Journal of Economic Psychology* 15, no. 2 (June 1994): 269–284, doi: 10.1016/0167-4870(94)90004-3; Ros Garnaut, Rana Ganguly, and Jongsoo Kang, *Migration to Australia and Comparison with the United States: Who Benefits?* (Canberra, Australia: Australian National University, May 2003), 3–7, [http://zanran\\_storage.s3.amazonaws.com/www.immi.gov.au/ContentPages/1579436.pdf](http://zanran_storage.s3.amazonaws.com/www.immi.gov.au/ContentPages/1579436.pdf); G. F. De Jong and J. T. Fawcett, “Motivation for Migration: An Assessment and a Value-expectancy Research Model,” *Popline* (New York, Pergamum: 1981), 13–58, <http://www.popline.org/node/388494>; Sara R. Curran and Abigali C. Saguy, “Migration and Cultural Change: A Role for Gender and Social Networks?” *Journal of International Woman’s Studies* 2 No. 3 (2001): 54–77, <http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1619&context=jiws>.

migration.<sup>31</sup> Mitchel J. Clyde details the causes of migration and highlights how factors like employment, better business opportunities, and better living conditions are self-motivating factors for migration.<sup>32</sup> Conversely, Douglas S. Massey et al. explore how social factors affect the tendency to migrate.<sup>33</sup> They posit that underlying these factors are demographic influences, such as sex, family size, family conflict, family structures, and marriage, as well as the social factors outside villages such urban educational prospects and opportunities for pleasure.<sup>34</sup>

Apart from the economic and social factors, political factors also constitute reasons for migration. Susanne Schmeidl points out that people move “from time to time, and from place to place” as refugees, political asylum-seekers, or displaced persons because of internal disputes, foreign military intervention, or other political or natural calamities.<sup>35</sup> David Keane argues that people move for environmental reasons such as climate and other natural calamities.<sup>36</sup>

Social scientists have also expressed views about the trend of push and pull or rural push to urban pull in migration. This phenomenon is significant simply because it

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<sup>31</sup> “Kerala is dependent on migration for employment, subsistence, housing, household amenities, institution building, and many other developmental activities.” K. C. Zachariah, E. T. Mathew, and S. Irudaya Rajan, “Social, Economic, and Demographic Consequences of Migration on Kerala,” *International Migration* 39, no. 2 (June 2001): 43–71, doi: 10.1111/1468-2435.00149; David V. Bartram, “Foreign Workers in Israel: History and Theory,” *International Migration Review* 32, no. 2 (Summer 1998): 303–325, doi: 10.2307/2547185; David Bartram, “Economic Migration and Happiness: Comparing immigrants and Natives’ Happiness Gains from Income,” *Social Indicators Research* 103, no. 1 (August 2011): 57–76, doi: 10.1007/s 010-9696-2; and Eric Weinstein, “Migration for the Benefit of All: Towards a new Paradigm for Economic Immigration” *International Labor Review* 141, no. 3 (June 2002): 225–252, doi: 10.1111/J.164-913X.2002.tb00238.x.

<sup>32</sup> Mitchel J. Clyde, “The Causes of Labor Migration,” *Bulletin of the Inter African Labor Institute* 6, no. 1 (1959): 12–47.

<sup>33</sup> Douglas S. Massey et al., “Theories of International Migration: A Review and Appraisal.”; Biplab Dasgupta and Roy Laishley, “Migration from Villages,” *Economic and Political Weekly* 10, no. 42 (October 1975): 1652–1662, <https://www.jstor.org/stable/pdf/40738301.pdf>.

<sup>34</sup> Dasgupta and Laishley, “Migration from Villages,” 1652–1660.

<sup>35</sup> Susanne Schmeidl, “Exploring the Causes of Force Migration: A Pooled Time-Series Analysis, 1970–1990,” *Social Science Quarterly* 78, no. 2 (June 1997): 284–308, [http://www.jstor.org/stable/42864338?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/42864338?seq=1#page_scan_tab_contents).

<sup>36</sup> David Keane, “Environment Causes and Consequences of Migration: A Search for the Meaning of Environmental Refugees,” *Georgetown International Environmental Law Review* 16 (2003–2004): 209–210, [https://www.academia.edu/215318/The\\_Environmental\\_Causes\\_and\\_Consequences\\_of\\_Migration\\_A\\_Search\\_for\\_the\\_Meaning\\_of\\_Environmental\\_Refugees\\_](https://www.academia.edu/215318/The_Environmental_Causes_and_Consequences_of_Migration_A_Search_for_the_Meaning_of_Environmental_Refugees_).

provides the necessary theoretical background to understand the similarity of what other scholars have discussed. Therefore, to understand the theoretical perspective and causes of migration, Lee's push-pull theory is considered best because it describes the causes and pattern of migration.

## **2. Sociological Theory (Push-Pull)**

Osvaldo Muniz, Wei Li, and Yvonne Schleicher highlight Lee's push-pull theory to explain the irregular pattern of migrants. According to Lee's theory, in the migration context, the push-pull factors are significant.<sup>37</sup> Pull factors are widely relevant in explaining national as well as international movements of migrants. Muniz, Li, and Schleicher define the concept as follows: "Push factors are negative factors at the place of origin, while pull factors are positive ones at the place of destination."<sup>38</sup> In addition, Lee suggests that the "decision to migrate and the process of migrating are influenced by the factors associated with area of origin, destination, intervening factors, personal factors and fluctuations in the economy" (see Figure 3).<sup>39</sup>

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<sup>37</sup> Osvaldo Muniz, Wei Li, and Yvonne Schleicher, "Conceptual Framework: Why Do People Move to Work in Another Place or Country?" AAG Centre for Global Geography Education, [http://cgge.aag.org/Migration1e/ConceptualFramework\\_Jan10/ConceptualFramework\\_Jan10\\_print.html](http://cgge.aag.org/Migration1e/ConceptualFramework_Jan10/ConceptualFramework_Jan10_print.html).

<sup>38</sup> Muniz, Li, and Schleicher, "Conceptual Framework."

<sup>39</sup> Jessica Hagan-Zanker, "Why Do People Migrate? A Review of the Theoretical Literature" (working paper, Maastricht Graduate School of Governance, Netherlands, January 2008), 9, <https://mpira.ub.uni-muenchen.de/28197/1/2008WP002.pdf>.

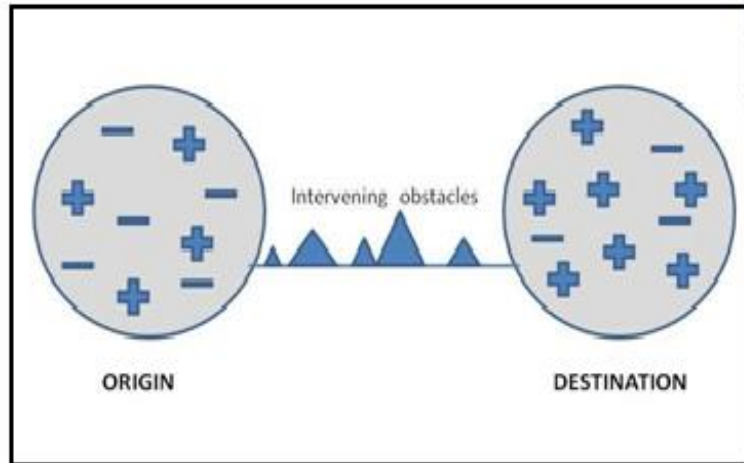


Figure 3. Framework of Push-Pull Theory.<sup>40</sup>

Figure 3 summarizes Lee's push-pull theory in graphic form.<sup>41</sup> According to Muniz, Li, and Schleicher, "It shows a possible migration between a place of origin and a place of destination, with positive and negative feedback considering Push-Pull factors."<sup>42</sup> Although flows originate from two places, obstacles potentially intervene during the movements.<sup>43</sup> These obstacles are indicated by "mountains" that need not be a physical barrier. For example, immigration policies and laws of the receiving country can restrict the flow of immigrants and become formidable barriers to them.<sup>44</sup> As such, migrants should consider both the *origin* and the *destination* of push-pulls, the "positives of staying and the negatives of moving" from one place to another.<sup>45</sup> Migration push-pull theory leads to different rationales. For example, if economic advantages are greater in the country of destination than the country of origin, the chances of people migrating to such countries increases dramatically.<sup>46</sup> Many scholars have described a number of

<sup>40</sup> Source: Muniz, Li, and Schleicher, "Conceptual Framework."

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

factors in different ways, but the most obvious causes that need discussion are economic, social, demography, and political factors.

### **3. The Nexus of Security and Migration**

Weiner notes that today's migrants take part in the economic, social, and political activities in receiving states but also in the place of origin.<sup>47</sup> Different types of immigrants have different influences on the national security of receiving countries. As Huysmans describes, migration is not always linked to threat; to the contrary, migration often contributes to production and development of commerce.<sup>48</sup> The transformation of security took place when the capitalist market turned into a global market system,<sup>49</sup> thus linking illegal immigrants and securitization in a way that questioned migration and refugee systems.<sup>50</sup> Tom Tancredo suggests, "Immigration levels pose different questions," perhaps resulting in a clash of cultures of non-assimilated groups with loyalties, such as political allegiance or dual citizenship, which subsequently affect national security.<sup>51</sup> Therefore, he suggests that those non-assimilated groups be treated as illegal immigrants according to a nation's laws and policies.<sup>52</sup>

In the same way, Weiner identifies five broad categories to classify immigration as a threat to national security: first, when migrants and refugees are rejected by their home regime; second, when the host country perceives security risks and political threats because of the immigrants and the refugees; third, "when immigrants are seen as a cultural threat or,"<sup>53</sup> fourth, when immigrants and refugees "as a social and economic

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<sup>47</sup> Weiner, "Security, Stability, and International Migration," 103–105.

<sup>48</sup> Huysmans, "Securitization of Migration," 757–759.

<sup>49</sup> Ibid.

<sup>50</sup> Maggie Ibrahim, "The Securitization of Migration: A Racial Discourse," *International Migration* 43, no. 5 (November 2005): 169, <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2435.2005.00345.x/pdf>.

<sup>51</sup> Thomas G. Tancredo, "Immigration, Citizenship, and National Security: The Silent Invasion," *Mediterranean Quarterly* 15, no. 4 (Fall 2004): 4–15, <http://muse.jhu.edu/article/176902>.

<sup>52</sup> Ibid., 6–8.

<sup>53</sup> Weiner, "Security, Stability, and International Migration," 105–106.

problem for the host society,” and fifth, “when the host society uses immigrants as an instrument of threat against the country of origin”<sup>54</sup>

Some scholars have linked migration to security long ago and derived conclusions that “immigrants and refugees pose a threat.”<sup>55</sup> Most importantly, Maggie Ibrahim notes, “In uncovering how migration has become a security issue, it is instructive to highlight how cultural differences, as a system classification, are associated with threat.”<sup>56</sup> In other words, Ibrahim believes that immigrants who come with different cultures and identities threaten the normal life of the receiving state.<sup>57</sup> As such, “negative belief” and “discriminatory action will lead to ethnic conflict, which ultimately changes the unity of the state.”<sup>58</sup>

This issue not only affects the state culture but also leads to terrorism, insurgencies, and other criminal activities.<sup>59</sup> A classic example is Chinese immigration to Canada. Despite the significant cultural difference, Chinese immigrants created a “Link between the illegal immigrants and security, that Canada’s immigration and refugee system were called to question.”<sup>60</sup> In other words, Chinese immigration created a new approach for Canada to analyze the criminology perspective of immigration.<sup>61</sup>

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<sup>54</sup> Weiner, “Security, Stability, and International Migration,” 105–106.

<sup>55</sup> Victoria M. Esses, John F. Dovidio, and Gordon Hodson, “Public Attitudes toward Immigration in the United States and Canada in Response to the September 11, 2001 ‘Attack on America,’” *Analyses of Social Issues and Public Policy* 2, no. 1 (2002): 69–85, <http://onlinelibrary.wiley.com/doi/10.1111/j.1530-2415.2002.00028.x/epdf>; Ibrahim, “The Securitization of Migration.” See also Helen Crowley and Marry J. Hickman, “Migration, Post-Industrialism and the Globalized Nation State: Social Capital and Social Cohesion Re-examined,” *Ethnic and Racial Studies* 31, no. 7 (October 2008): 1222–1244, doi: 10.1080/01419870701725904; Linda K. Tip et al., “Is Support for Multiculturalism Threatened by... Threat Itself?” *International Journal of Intercultural Relations* 36, no. 1 (January 2012): 22–30, <http://www.sciencedirect.com/science/article/pii/S0147176710001057>; and Ronald Lee and Timothy, Miller, “Immigration, Social Security, and Brooder Fiscal Impact,” *The American Economic Review* 90, no. 2 (May 2000): 350–354, <https://www.jstor.org/stable/pdf/117249.pdf>.

<sup>56</sup> Ibrahim, “The Securitization of Migration,” 173.

<sup>57</sup> Ibid.

<sup>58</sup> Katja Franco Aas and Mary Bosworth, eds., *The Borders of Punishment: Migration, Citizenship and Social Exclusion* (New York: Oxford University Press, 2013), 30–31.

<sup>59</sup> Tancredo, “Immigration, Citizenship and National Security,” 13–14.

<sup>60</sup> Ibrahim, “The Securitization of Migration,” 173.

<sup>61</sup> Ibid.

In addition, Ibrahim observes that migration is a human security threat in terms of “narcotic trafficking.”<sup>62</sup> Basically, Ibrahim is saying the population that moves across the border to escape war, hunger, or prosecution will be “a threat to the receiving country’s population.”<sup>63</sup> Further, she points out, “The securitization of migration discourse has been cemented by the fear that migrants may be supporters for insurgencies,” and the potential driving force for social uprising and terrorist activities.<sup>64</sup> Additionally, Alexandra Spencer links immigration with terrorism by conducting research based on interviews with 48 immigrant terrorists who carried out successful terrorist attacks in the United States between 1993 and 2001.<sup>65</sup> The research concludes that the terrorist infiltration took place in the United States because of the lapses in immigration policies and security measures.<sup>66</sup> Spencer concludes that poor immigration policies and counterterrorism strategies are a driving force that links terrorism and immigrants in the States.<sup>67</sup>

A diaspora is made up primarily of refugees and is more likely “to be hostile to the regime of the home country.”<sup>68</sup> However, some economic migrants may also become antagonistic, “especially if they live in democratic countries while the government of their homeland is repressive.”<sup>69</sup> The relationship of diaspora and conflict has many aspects.<sup>70</sup>

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<sup>62</sup> Ibrahim, “The Securitization of Migration,” 169.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., 173.

<sup>65</sup> Alexander Spencer, “Linking Immigrants and Terrorists: The Use of Immigration as an Anti-Terror Policy,” *Online Journal of Peace and Conflict Resolution* 8, no. 1 (2008): 5, [https://www.researchgate.net/publication/237829585\\_Linking\\_Immigrants\\_and\\_Terrorists\\_The\\_Use\\_of\\_Immigration\\_as\\_an\\_Anti-Terror\\_Policy](https://www.researchgate.net/publication/237829585_Linking_Immigrants_and_Terrorists_The_Use_of_Immigration_as_an_Anti-Terror_Policy).

<sup>66</sup> Ibid.

<sup>67</sup> Ibid., 5–8.

<sup>68</sup> Hazel Smith and Paul Stares, eds., *Diasporas in Conflict: Peace Makers or Peace-Wreckers?* (Tokyo: United Nations University Press, 2007), 90.

<sup>69</sup> Ibrahim, “The Securitization of Migration,” 179–80.

<sup>70</sup> Smith and Stares, *Diasporas in Conflict*; and Pirkkalainen Paivi and Abdile Mahdi, “The Diaspora-Conflict-Peace-Nexus: A Literature Review” (working paper no. 1, Diaspeace, March 2009), 8, [https://jyx.jyu.fi/dspace/bitstream/handle/123456789/36875/DIASPEACE\\_WP1.pdf?sequence=1](https://jyx.jyu.fi/dspace/bitstream/handle/123456789/36875/DIASPEACE_WP1.pdf?sequence=1).

One aspect is that the diaspora can have negative and positive effects on the conflict situation.<sup>71</sup> According to Pirkkalainen Paivi and Abdile Mahdi, “The best way to conceive of the role of diaspora in conflict is to think of the various phases or stages of conflict (conflict emergence, continuation escalation, termination and post conflict reconstruction) and then to evaluate the possible role diaspora may play in each phase.”<sup>72</sup> In terms of a negative perspective, these communities are more effective in fundraising, recruiting, procuring weaponry, and lobbying the adopted government.<sup>73</sup> For example, the Kurdistan Workers Party (PKK) has “engaged in political and fundraising activities;” half of the PKK’s organizational budget came from the Kurdish diaspora in Europe.<sup>74</sup> Diaspora members generally remain away from the war zone and numerous support to achieve their political ideology via financial and other political support.<sup>75</sup>

Katja Franko Aas and Mary Bosworth provide an analytical perspective of criminalization and immigration in terms of legal actions, social beliefs, and cultural disparities, especially in the spectrum of migration control, policies and practices.<sup>76</sup> This theory analyzes migration patterns and different tools and methods that can be securitized in migration.<sup>77</sup> Furthermore, the authors argue that open border policies such as immigration control, citizenship, and criminal justice should be applied as long-term measures because immigrants pose a greater impact on the national security of a country.<sup>78</sup>

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<sup>71</sup> Paivi and Mahdi, “The Diaspora-Conflict-Peace-Nexus,” 8.

<sup>72</sup> Ibid.

<sup>73</sup> Bruce Hoffman et al., “The Radicalization of Diasporas and Terrorism,” paper presented at a joint conference by the RAND Corporation and the Center for Security Studies, ETH Zurich, 2007, 1, [http://www.rand.org/content/dam/rand/pubs/conf\\_proceedings/2007/RAND\\_CF229.pdf](http://www.rand.org/content/dam/rand/pubs/conf_proceedings/2007/RAND_CF229.pdf).

<sup>74</sup> Ibid., 2.

<sup>75</sup> Hoffman et al., “Radicalization of Diaspora and Terrorism,” 38.

<sup>76</sup> Aas and Bosworth, *The Borders of Punishment*.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.



#### 4. Immigration and Counterterrorism

As many security analysts expected, following the 9/11 attacks, the linkage between immigration and national security increased to an unprecedented level due to heightened political polarization and wide-ranging counterterrorism efforts implemented in response to the attacks. As the debate concerning immigration reform persisted, a number of scholars, law enforcement officials, and policy makers expressed concern over security aspects amid the War on Terror.<sup>79</sup> Many theories and strategies in the literature address counterterrorism; however, the United States, the United Kingdom, and South Asian strategies cover most of the spectrum of terrorism.

##### a. U.S. Counterterrorism Strategy

Terrorism threats have received enormous attention during the last decades in the United States, and the U.S. War on Terror provides various counterterrorism approaches.<sup>80</sup> Many scholars have conducted research on countering terrorism in terms of immigration and border security.<sup>81</sup> For example, Susan Ginsberg, author of *Countering Terrorists Mobility: Shaping an Operational Strategy*, introduces a comprehensive strategy for countering terrorist mobility.<sup>82</sup> The strategy comprises three steps. Step one is to distinguish immigrants and terrorists by developing effective policies and tactics. This step relies on “striking a balance among competing concerns over national cohesion, economic impact, a spectrum of human rights issues, compassion toward refugees ...

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<sup>79</sup> Flona Tolan et al., *Literature, Migration and the War on Terror* (New York: Taylor and Francis, 2012), 2, [http://samples.sainsburysebooks.co.uk/9781317985020\\_sample\\_828066.pdf](http://samples.sainsburysebooks.co.uk/9781317985020_sample_828066.pdf); and Kathryn Marie Fisher, “Exploring the Temporality in/of British Counterterrorism Law and Law Making,” *Critical Studies on Terrorism* 6, no. 1 (2013): 50–72, doi: 10.1080/17539153.2013.765700.

<sup>80</sup> Sharon Pickering, Jude McCulloch, and Davis Wright-Neville, “Counter-terrorism, Policing,” *Counter-Terrorism Policing* (2008), 91. See also Robert Burke, *Counterterrorism for Emergency Responders*, 2nd edition (New York: Taylor and Francis, 2007); and Brigitte L. Nacos, *Terrorism and Counterterrorism* (New York: Routledge, 2016).

<sup>81</sup> Henry H. Wills et al., *Measuring the Effectiveness of Border Security between Ports-of-Entry* (Technical report) (Santa Monica, CA: RAND Corporation, 2010), [www.rand.org](http://www.rand.org); and Susan Ginsburg, *Countering Terrorist Mobility: Shaping an Operational Strategy* (Washington, DC: Migration Policy Institute, 2006), 1–18, <http://www.migrationpolicy.org/research/countering-terrorist-mobility-shaping-operational-strategy>.

<sup>82</sup> Ginsburg, *Countering Terrorist Mobility*, 1–18.

[and] attacking human trafficking and maintaining constitutional order”<sup>83</sup> while keeping a “balance of social unity, prosperity, and justice matters” according to the country’s security and legitimacy.<sup>84</sup>

Step two is to improve a country’s ability to restrict terrorist movements, which requires studying the movement of terrorism and ways to counter and exploit it.<sup>85</sup> Step three is to employ an effective “terrorist mobility strategy” under the National Counter Terrorism Center to achieve three main purposes. The defensive purpose includes “To secure travel, immigration and transportation channels, at U.S. borders and globally, from undetected terrorist movement and from attack.”<sup>86</sup> The offensive purpose includes “exploit[ing] vulnerabilities exposed by the terrorists’ need for clandestine transnational and internal movement in order to disrupt these individuals and groups.”<sup>87</sup> Finally, the deterrence purpose prevents terrorist attacks by employing all means necessary.<sup>88</sup>

The terrorist mobility strategy provides the comprehensive use of immigration policies and counterterrorism strategies to address the “current immigration crisis largely rooted in an ongoing large-scale influx of low-wage workers from Mexico and Central America.”<sup>89</sup> As such, the United States identifies terrorist threats to the homeland from around the globe, which is a vital requirement for focusing “counterterrorism efforts throughout the border, immigration and transportation” system.<sup>90</sup>

#### ***b. British Counterterrorism Strategy***

After the Madrid and London train bombings in 2004 and 2005, respectively, the perception of the sources of Islamic terror changed the British counterterrorism

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<sup>83</sup> Ginsburg, *Countering Terrorist Mobility*, 1.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*, 14–15.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*, 1–8.

<sup>89</sup> Ginsburg, *Countering Terrorist Mobility*, 129; and Donald Kerwin, “The Use and Misuse of ‘National Security’ Rationale in Crafting U.S. Refugee and Immigration Policies,” *International Journal of Refugees Law* 17, no. 4 (2005): 749–763, doi: 10.103/ ijr/eei030.

<sup>90</sup> Ginsburg, *Countering Terrorist Mobility*, 128–29.

perspective.<sup>91</sup> According to the existing literature, British counterterrorism strategies focused on policies and legislation.<sup>92</sup> In contrast, other strategies have relied on the intervention of radicalization through pre-emption, which includes identifying the emergence of violence and addressing the structural and psychological factors of terrorism.<sup>93</sup>

The British *National Security Strategy* responded to the threats and risks through five comprehensive concepts.<sup>94</sup> The first is counterterrorism, which includes “building capacity to disrupt terrorists at home and overseas by enhancing border protection,” while developing capabilities to react to any “attacks or violent extremism.”<sup>95</sup> Second is “countering the nuclear and Weapon of Mass Destruction” threat by making “multilateralism and the rules-based international system....to work with partners beyond

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<sup>91</sup> Jytte Klausen, “British Counter-Terrorism after 7/7: Adapting Community Policing to the Fight against Domestic Terrorism,” *Journal of Ethnic and Migration Studies* 35, no. 3 (2009): 403–420, doi: 10.1080/13691830802704566; and Bruce Hoffman, “Is Europe Soft on Terrorism?” *Foreign Policy*, no. 115 (Summer 1999): 62–76, <http://www.jstor.org/stable/1149493>.

<sup>92</sup> Jef Huysmans and Alessandra Buonfino, “Politics of Exception and Unease: Immigration Asylum and Terrorism in Parliamentary Debates in the UK,” *Political Studies* 56, no. 4 (December 2008), doi:10.1111/j.1467-9248.2008.00721.x. See also Peter Clarke, “Learning from Experience: Counterterrorism in the UK since 9/11,” (Colin Cramphorn Memorial Lecture, April 24, 2007, <https://policyexchange.org.uk/wp-content/uploads/2016/09/learning-from-experience-jun-07.pdf>. Deputy Assistant Commissioner Peter Clarke from the Center of Terrorism Command-New Scotland Yard gives the following account: “My personal view is that we now have a strong body of counter terrorist legislation that by and large meets our needs in investigating these crimes and bringing prosecutions. Prosecution through the courts, using judicial process that is recognized and understood by the public, is of course is by far the preferred method of dealing with terrorism. The government has responded to reasoned cases put forward for change, to bring aspects of modern terrorism and support activity within the remit of the criminal law. The new offence of ‘Acts Preparatory to Terrorism’ is a good example. It closed a gap in our defenses, and I’m sure will prove its worth in several forthcoming trials. Prior to its introduction, the law was inadequate. The Common Law of England was not designed to defend us against people who wish to poison or irradiate the public. So we had the somewhat bizarre spectacle of Kamel Bourgass, in the so called ricin case, standing trial for a conspiracy to cause a public nuisance. There was no other offence that could properly reflect his behavior and give the courts adequate sentencing power. I shall repeat what I have said before, that shoe-horning 21st century terrorism into 19th century criminal law cannot be the best way to protect the public. I hope we have seen the last of this somewhat quaint offence, described by one eminent lawyer as a ‘rag bag of odds and ends’ being used in terrorist cases.”

<sup>93</sup> Charlotte Heath-Kelly, “Counter-Terrorism and the Counterfactual: Producing the ‘Radicalisation’ Discourse and the UK PREVENT Strategy,” *British Journal of Politics and International Relations* 15, no. 3 (2012): 394–415, doi: 10.1111/j.1467-856x.2011.00489.x.

<sup>94</sup> Cabinet Office, *The National Security Strategy of the United Kingdom: Security in an Interdependent World* (London, UK: Controller of Her Majesty’s Stationery Office, March 2008), 10, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228539/7291.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228539/7291.pdf).

<sup>95</sup> *Ibid.*, 10–19.

government, including the private sector.”<sup>96</sup> Third is tackling transnational crimes and organized crimes by reforming the security sector and deploying civil agencies.<sup>97</sup> For example, the UK Cabinet Office “estimates that over \$20 billion of social and economic harm occurs due to organized crimes”; however, through reviews and the inter-linkage of activities between the Organized Crime Agency, the UK has drastically managed to reduce crimes rates.<sup>98</sup> Fourth is planning for civil emergencies and “building resilience,” which includes “building a network organization” to react to any crisis.<sup>99</sup> For example, the World Health Organization (WHO) rates the UK as the best prepared country for “pandemic flu” because it has built on its nationwide emergency response system in the past few years.<sup>100</sup> Fifth is defending against any “state-led” threats using the capacity of local and foreign intelligence agencies with strong conventional forces.<sup>101</sup>

Apart from the British national security strategy, author Nick Baughan Williams introduces “immigration policy as a response to geopolitical threats,” highlighting the concepts of securitization and marketization in British immigration policies and counterterrorism strategies.<sup>102</sup> Basically, marketization develops to keep borders open for trade and labor capital mobility but closed for refugees and asylum seekers to “clamp down” on terrorists.<sup>103</sup> The objective of this strategy is to seal borders from security threats and open for market trade, which includes temporary migrants who come for employment.<sup>104</sup> British policies and laws are based on the Anti-Crime Security Act

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<sup>96</sup> Cabinet Office, *The National Security Strategy of the United Kingdom: Security in an Interdependent World*, 10–19.

<sup>97</sup> Ibid., 32–33.

<sup>98</sup> Ibid., 32.

<sup>99</sup> Ibid., 41.

<sup>100</sup> Ibid., 42.

<sup>101</sup> Ibid., 43.

<sup>102</sup> Nick Baughan Williams, “The UK Border Security Continuum: Virtual Bio-politics and the Simulation of the Sovereign Ban,” *Environment and Planning D: Society and Space* 28, no. 6 (December 2010): 1071–1083, doi: 10.1068/d13908.

<sup>103</sup> Alexandra Dobrowolsky, “(In)Security and Citizenship: Security, Immigration and Shrinking Citizenship Regimes,” *Theoretical Inquiries in Law* 8, no. 2 (2007): 639–640, doi: 10.2202/1565-3404.1163.

<sup>104</sup> Ibid., 640.

formulated soon after the September 11 attack that became law in early December 2001 to prevent international terrorism and secure citizens and immigrants.<sup>105</sup>

**c. South Asian Counterterrorism Strategy**

According to the literature, the South Asian region (SAR) focuses on threats from cross-border terrorism and separatism, the nexus between narcotics, mafias, terrorists, and insurgents groups.<sup>106</sup> The nation-states of the SAR are “inter-dependent in their security matters, and the security of one state is strongly affected by other states’ actions.”<sup>107</sup> The strategy of SAR combats threats and challenges through democracy, secularism, tolerance, regional cooperation, and the rule of law.<sup>108</sup> India is similarly concerned about the increasing spread of militancy and terrorism in South Asia.<sup>109</sup> The Indian approach relies on domestic capabilities for dealing with terrorism: federal intelligence, the National Investigation Agency (NIA), and large police forces through effective co-ordination with the National Counterterrorism Center.<sup>110</sup>

Kumar Ramakrishna identifies the strategy for counterterrorism in the Southeast Asian theater.<sup>111</sup> The counterterrorism strategy concentrates on the long and short term, based on intelligence co-operation in the war against terrorism.<sup>112</sup> The comprehensive counterterrorism strategy of the Association of South East Asian Nations (ASEAN) has focused on the “counterterrorist initiatives [of] ... continuing and improving ...

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<sup>105</sup> Dobrowolsky, “(In)Security and Citizenship,” 638.

<sup>106</sup> Satyavi Singh, “Terrorism and Counterterrorism in South Asia: Challenges and Policy Options,” *India Quarterly: A Journal of International Affairs* 58, no. 3–4 (July 2002): 146, doi:10.1177/097492840205800306.

<sup>107</sup> *Ibid.*, 155.

<sup>108</sup> *Ibid.*, 157.

<sup>109</sup> Vandana Asthana, “Cross-Border Terrorism in India: Counterterrorism Strategies and Challenges,” (ACDIS occasional paper, Department of Government and International Affairs, June 2010), 1–2, <https://www.ideals.illinois.edu/bitstream/handle/2142/27703/CrossBorderTerrorisminIndiaCounterterrorismStrategiesandChallenges.pdf?sequence=2&isAllowed=y>.

<sup>110</sup> *Ibid.*, 5.

<sup>111</sup> Kumar Ramakrishna, “The Southeast Asian Approach to Counter-terrorism: Learning from Indonesia and Malaysia,” *The Journal of Conflict Studies* 25, no. 1 (2005): 28, <https://journals.lib.unb.ca/index.php/JCS/article/viewArticle/189>.

<sup>112</sup> *Ibid.*, 30–35.

intelligence and financial information sharing,” formulating more counterterrorism policies, as well as legal measures.<sup>113</sup> Furthermore, initiative has enhanced the “liaison between law enforcement agencies,” and strengthening the quick reaction ability through educational programs and joint operational training.<sup>114</sup> ASEAN counterterrorism is based on U.S. counterterrorism policies to minimize trans-border terrorism in Southeast Asia through joint co-operation.

#### **D. POTENTIAL EXPLANATIONS AND HYPOTHESES**

The underdevelopment of immigration policies and counterterrorism strategies in Sri Lanka has led to an increase in the numbers of immigrants with mal-intent. The diversity of nationalities—Muslims, Tamils, and Christians, among others—helps immigrants easily mingle with locals. Starting a business, living comparatively cheaply, and learning in public schools support the purposes of immigrants. Softer immigration policies and lapses in legal actions have also led immigrants to select Sri Lanka for a destination. The hypothesis for this research is that reform of the comprehensive policies, the practice of immigration control, and effectively coordinated counterterrorism strategies to monitor immigrants can enhance the national security of Sri Lanka.

The purpose of this research is to assess the effect of continuous immigration on national security. Figure 4 shows the factors that must be taken into consideration to identify the causes and effects of immigration:

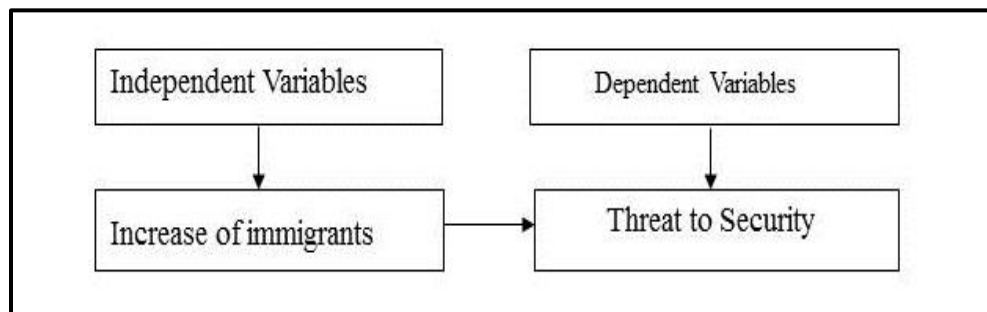


Figure 4. Conceptualization of Causes and Effects of Immigration

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<sup>113</sup> Ramakrishna, “The Southeast Asian Approach to Counter-terrorism,” 30–35.

<sup>114</sup> Ibid.

## **E. RESEARCH DESIGN**

The research analyzes the increase in immigration in Sri Lanka and possible impacts on national security. After identifying the pattern of immigration, it is important to know the causes of immigration and the reasons immigrants select Sri Lanka. The methods of arrival or the mode of migration, policies, and counterterrorism measures will be analyzed to identify existing security gaps. Furthermore, the duration of stay is an indicator of whether immigrants are staying legally or illegally and whether a proper documentary system exists.

After identifying the causes of immigration, the research analyzes the potential threats caused by immigrants socially, politically, and economically and subsequently identifies security impacts at regional and national levels. In order to identify potential security lapses and measures, the thesis reviews immigration policies, homeland security, and counterterrorism strategies of regional India and the island nation of Bahamas to derive recommendations for avoiding such future threats in Sri Lanka.

Figure 5 provides further details to understand the theoretical concept of the thesis to distinguish the causes and effects of immigration. Additionally, it also indicates possible measures to minimize the illegal flow of immigrants and strategies that are required to prevent the act of terrorism in the country.

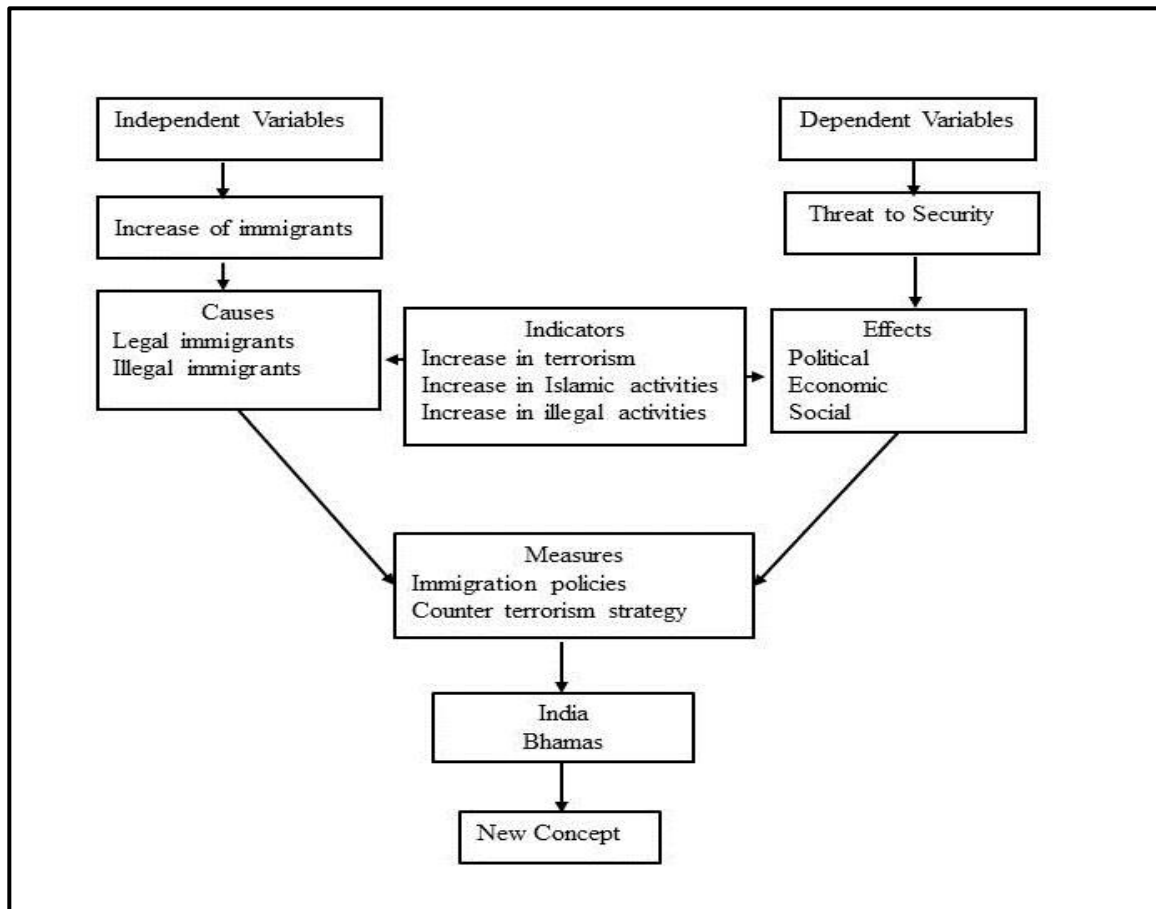


Figure 5. Operationalization of Immigration for Security

## F. THESIS OVERVIEW

This study is divided into multiple chapters. Chapter II begins with the Sri Lankan context and highlights the causes and effects of immigration. It also explains the security impacts on the region and particularly on Sri Lanka in social, political, and economic terms. Chapter III compares the region of India and the island nation of the Bahamas to identify different immigration policies, homeland security and counterterrorism measures, and strategies adopted. Chapter IV analyzes the policies and security concepts of all three countries and derives recommendations that apply in Sri Lanka. In conclusion, Chapter V proposes a new Sri Lankan homeland security model, which includes immigration policies and counterterrorism strategies to address immigration and national security issues.



## II. IMMIGRATION IN SRI LANKA

This chapter lays out immigration and identifies migration patterns like tourism, labor, documented and undocumented arrivals, refugees, asylum seekers, as well as diaspora and Tamil refugees from South India. Specifically, this chapter examines the effects of immigration on national security due to social, political and economic threats such as human smuggling, drug trafficking, the rise of terrorism, the rise of religious extremism, the influx of labor immigration because of the expansion of foreign markets, and the signing of economic and technology cooperation with India. Finally, the chapter highlights the measures taken by the government of Sri Lanka to prevent such threats posed by immigrants.

### A. HISTORICAL BACKGROUND OF IMMIGRATION

Human migration and settlement in Sri Lanka has a continuous record because of the island's proximity to the Indian subcontinent.<sup>115</sup> As Mahavamsa, the Sinhalese tradition, describes,<sup>116</sup> "The first Indian settlers on Sri Lanka—Prince Vijaya and his 700 followers—landed on the coast near Puttalam" in the Western part of Sri Lanka during the fifth century BCE to settle by conquest.<sup>117</sup> The Indo-Aryan people from Northern India were the first settlers.<sup>118</sup> As Sinnappah Arasaratnam and Gerald Hurbert Peiris reveal, "Considerable evidence points to Western India as the home of the first immigrants, it seems probable that a subsequent wave arrived from the vicinity of Bengal and Orissa in the Northeast."<sup>119</sup> Furthermore, as Daya Hewapathirane describes, "Sri Lanka was invaded as much as seventeen times by South Indian Dravidian Tamil

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<sup>115</sup> "Sri Lanka," In *Encyclopedia Britannica*, <https://www.britannica.com/place/Sri-Lanka>.

<sup>116</sup> Ibid.; and "Mahavamsa," Mahavamsa.org, accessed November 18, 2016, <http://mahavamsa.org/>. "The Mahavamsa 'The Great Chronicle' otherwise known as 'The Great Dynasty' is the single most important work of Lankan origin (written in Pali language). It describes the life and times of the people who forged our nation, from the coming of Vijaya in 543 BCE to the reign of King Mahasena (334 – 361) (6th Century BC to 4th Century AD). A companion volume, the Culavamsa or Choolavansha ("lesser chronicle"), covers the period from the 4th century to the British takeover of Sri Lanka in 1815."

<sup>117</sup> "Sri Lanka," In *Encyclopedia Britannica*,

<sup>118</sup> "Mahavamsa," Mahavamsa.org.

<sup>119</sup> "Sri Lanka," In *Encyclopedia Britannica*,

speaking invaders since 230BCE,” and occupied the Jaffna and Trincomalee areas; subsequent waves of Tamil immigrants re-settled in the North, the East and the Kandy areas of Sri Lanka as laborers.<sup>120</sup> Nevertheless, even before King Vijaya landed in Sri Lanka, the tribes called “Yakkas” and “Nagas” inhabited Sri Lanka, fought for their survival, and protected the country from invaders.<sup>121</sup>

Arab people also arrived as immigrant traders to Sri Lanka. Geographers put Sri Lanka at the heart of the Indian Ocean, which had been a trading hub since before Arab traders arrived with their new Islamic faith.<sup>122</sup> The valuable items of commerce in trade were gems, cinnamon, ivory, and elephants. Subsequently, early Muslim immigrant settlement took hold in Jaffna and Galle according to their trades.<sup>123</sup> Nevertheless, with the arrivals of Arabs and Somali traders in the eighth century, Islam began to spread in Sri Lanka when native women married Muslim men and converted to Islam. In the “18th and 19th centuries, Javanese and Malaysian Muslims brought over by the Dutch and British contributed to the growing Muslim population in Sri Lanka.”<sup>124</sup> Furthermore, Muslim immigrants and Muslim traders settled in the Jaffna and the eastern coastal area of Sri Lanka.<sup>125</sup> The Muslim traders established very lucrative trading posts in Sri Lanka’s early days.<sup>126</sup>

Early Muslim settlements did not propagate Islam among native Sri Lankans. However, “Sri Lankan Muslims became an ethnically conscious and politically motivated

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<sup>120</sup> Daya Hewapathirane, “Invasions, Violence, Atrocities and Plunder Characterize Tamil Dravidian Involvement in Sri Lanka from 23 BCE,” *Lankaweb*, November 9, 2010, <http://www.lankaweb.com/news/items/2010/11/09/invasions-violence-atrocities-and-plunder-characterize-tamil-dravidian-involvement-in-sri-lanka-from-230-bce/>.

<sup>121</sup> Gerald Hubert Peiris and Sinnappah Arasaratnam, “Sri Lanka: History,” *Encyclopedia Britannica*, last modified May 7, 2016, <https://www.britannica.com/place/Sri-Lanka/History#ref388477>.

<sup>122</sup> Kamalika Pieris, “The Muslims and Sri Lanka,” *Mission Islam*, <http://www.missionislam.com/knowledge/srilanka.htm>.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

community during the late 19th century due to the revivalist movement.”<sup>127</sup> In other words, these immigrants established their religious and political ideologies to affirm their ethnic identities, which subsequently posed many social and political threats in Sri Lanka.

## **B. THREATS TO NATIONAL SECURITY**

Even though Sri Lanka has been on the receiving end of human migration from various eras as described in the previous section, immigrants have posed potential threats to the state. Further, migratory phenomena have involved great numbers of people crossing national boundaries over several decades; they have changed the demographic, economic, social, and political stability of the country.<sup>128</sup> As such, this section identifies a broader category of threats posed by the immigrants.

Illegal immigrants are a fear-inspired force that poses many threats to receiving states, especially to social welfare systems of countries.<sup>129</sup> According to a report released by the UNHCR, “Refugees and asylum seekers, IDPs [internally displaced persons] and refugee returnees in Sri Lanka struggle to meet their basic needs to enhance possible asylum.”<sup>130</sup> In other words, these returnees can neither integrate and improve their livelihood easily as urban refugees nor return from India to Sri Lanka because of the lack of a comprehensive national policy to absorb them.<sup>131</sup>

On the other hand, the UNHCR reduced its allocations for Sri Lanka from \$9,128,705 as of June 30, 2014, to \$7,662,461 in 2015, indicating that the country should have its own resources to provide assistance and ensure protection to asylum seekers even if numbers increase over time.<sup>132</sup> However, the government of Sri Lanka has made

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<sup>127</sup> M. A. Nuhuman, “Dossier 21: Ethnic Identity, Religious Fundamentalism and Muslim Women in Sri Lanka,” *Women Living Under Muslim Laws*, February 1999, <http://www.wluml.org/node/322>.

<sup>128</sup> Weiner, “Security, Stability and International Migration,” 106.

<sup>129</sup> *Ibid.*, 114–115.

<sup>130</sup> “More than 1.70 Lakh Sri Lankan Refugees, Asylum Seekers, IDPs: UNHCR,” *Economic Times*, January 13, 2015, [http://articles.economictimes.indiatimes.com/2015-01-13/news/58024727\\_1\\_unhcr-vulnerable-refugees-refugees-and-asylum-seekers](http://articles.economictimes.indiatimes.com/2015-01-13/news/58024727_1_unhcr-vulnerable-refugees-refugees-and-asylum-seekers).

<sup>131</sup> “Sri Lankan Refugees,” *Economic Times*.

<sup>132</sup> *Ibid.*

little progress in this regard because of a lack of state resources and the inability to compromise state security in terms of the human trafficking network.<sup>133</sup>

## **1. Criminal Activities**

Immigrants affect security in terms of criminal activities. Security breaches occur from time to time; however, no set pattern has been identified for these crimes. Similarly, common characteristics like a person's country, background, or intentions cannot identify criminal intent unless an incident occurs. Common security issues that many countries face are transnational crimes. This threat is rising in the world because of immigration. Forms of transnational crimes like human smuggling, drug trafficking, and cross-border terrorism are major concerns.

### **a. Human Smuggling**

Human smuggling is one of the critical factors affecting national security in Sri Lanka due to immigration and the country's geographic features. Immigrants cross the coast illegally from India because of the presence of specific landing points that smugglers and fishing captains operate in Mannar, Jaffna, and Negombo.<sup>134</sup> According to Sri Lanka's police reports, the police have intercepted 89 vessels engaged in human smuggling since 2009. With the support of the Australian Federal Police, the Sri Lankan Navy arrested 4,500 passengers, 250 crewmembers, 450 facilitators.<sup>135</sup>

As Chathuri Dissanayake indicates, the main facilitators of illegal smuggling are fishermen, who are often associated with illegal activities because of a lack of regular income and limited employment opportunities during seasons of bad weather.<sup>136</sup> A

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<sup>133</sup> "U.N. Says Sri Lanka Illegally Returning Pakistani Asylum Seekers," *Reuters*, August 2, 2014, <http://www.reuters.com/article/us-sri-lanka-refugees-idUSKBN0G20JX20140802>.

<sup>134</sup> Chathuri Dissanayake, "Smugglers Rely on Sri Lankan Fishing Captains and Their Boats to Move Migrants to Australia," *Global Press Journal*, November 8, 2015, [https://globalpressjournal.com/asia/sri\\_lanka/smugglers-rely-on-sri-lankan-fishing-captains-and-their-boats-to-move-migrants-to-australia/](https://globalpressjournal.com/asia/sri_lanka/smugglers-rely-on-sri-lankan-fishing-captains-and-their-boats-to-move-migrants-to-australia/).

<sup>135</sup> Ridma Dissanayake, "Sri Lankan Police Intercepted 89 Vessels Engaged in Human Smuggling," *Daily News*, March 9, 2016, <http://www.dailynews.lk/?q=2016/03/09/security/sri-lankan-police-intercepted-89-vessels-engaged-human-smuggling-igp>.

<sup>136</sup> Chathuri Dissanayake, "Sri Lankan Fishing Captains."

successful smuggler can bring in around 300,000 rupees, or \$2,126, per boat trip to destinations such as Australia and India.<sup>137</sup> Additionally, the rate for a migrant skipper usually ranges “from one million rupees (\$7,087) to 1.5 million rupees (\$10,630)” per boat, and that money is shared among the crew.<sup>138</sup> Similarly, many ex-combatants from the LTTE engage in human smuggling.<sup>139</sup>

#### ***b. Drug Trafficking***

Drug trafficking is another potential threat to national security today. Figure 6 indicates the quantity of drugs seized by the police; notably, the number of people arrested in 2016 is much greater than in 2015.

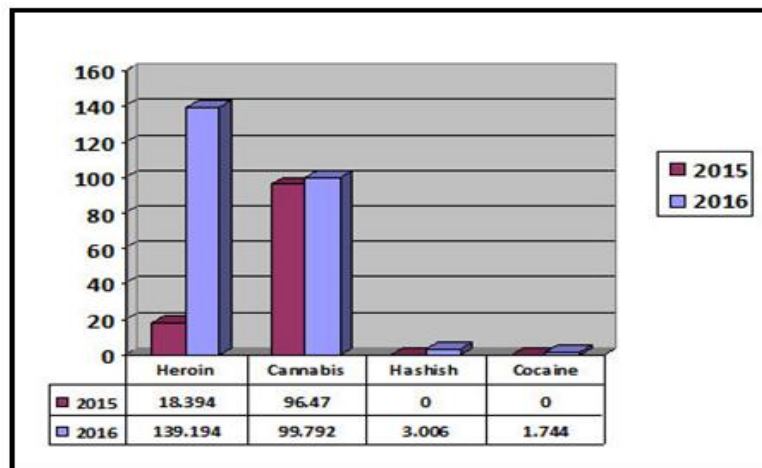


Figure 6. Quantity of Drugs Seized by the Police Narcotics Bureau.<sup>140</sup>

According to statistics available in Sri Lanka, the value of daily drug consumption is estimated at \$3 million. Around 45,000 people are addicted to drugs in the country, consuming total 763 kilograms of heroin per year; the total estimated heroin “smuggled

<sup>137</sup> Dissanayake, “Sri Lankan Fishing Captains.”

<sup>138</sup> Ibid.

<sup>139</sup> Ravindra Wijegunaratne, “Maritime Drug Trafficking: Finding a Lasting Solution,” *Sri Lankan Guardian*, October 18, 2015, <http://www.slguardian.org/2015/10/maritime-drug-trafficking-finding-a-lasting-solution/>.

<sup>140</sup> Source: “Quantity of Drugs Seized by Police Narcotics Bureau,” Sri Lanka Police, <http://www.police.lk/index.php/narcotic-bureau/1796>.

to Sri Lanka is around 3.5 tons per year.”<sup>141</sup> The flow of heroin exceeds the requirement that the country demands because Sri Lanka has become a transit hub for drugs, and its sea lines of communication as well as sea lanes of trades run through the southern portion of the country. In addition, over 200 ships and empty tankers transit Sri Lankan territorial waters carrying energy (gas and oil) to and from the Middle East, China, Japan, and Korea.<sup>142</sup>

Additionally, “India routinely reported the trafficking of large scale consignments of heroin from the Southern parts of India into Sri Lanka via the Palk Straits.”<sup>143</sup> Furthermore, many Indians, Pakistanis, and Moldavian nationalists have been arrested carrying heroin in the Sri Lanka’s Bandaranaike International Airport; however, the lack of a screening system on the airport premises allows immigrants to move freely without being caught.<sup>144</sup> Lapses in such important measures have increased the number of illegal immigrants crossing into Sri Lanka with a goal of transporting drugs within and outside the country.

## **2. Terrorism**

An increase in criminal activities due to immigrants and refugees from Tamil Nadu has become a critical indicator of reemergence LTTE cells. According to Louise Shelley, a professor of crime and terrorism, terrorists are often supported by crime and frequently change identities as criminals and terrorists.<sup>145</sup> As Ibrahim explains, “The securitization of migration discourse has been cemented by the fear that migrants may be

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<sup>141</sup> “Quantity of Drugs Seized by Police Narcotics Bureau,” Sri Lanka Police.

<sup>142</sup> Wijegunaratne, “Maritime Drug Trafficking.”

<sup>143</sup> “Sri Lanka,” UN Office on Drugs and Crime, 4, [https://www.unodc.org/pdf/india/publications/south\\_Asia\\_Regional\\_Profile\\_Sept\\_2005/13\\_srilanka.pdf](https://www.unodc.org/pdf/india/publications/south_Asia_Regional_Profile_Sept_2005/13_srilanka.pdf); and “Quantity of Drugs Seized,” Sri Lanka Police.

<sup>144</sup> “Drugs in Sri Lanka,” Havocscope, <http://www.havocscope.com/tag/sri-lanka/>; and Xiena Saeed, “Maldivian Arrested in Sri Lanka Linked to International Drug Network,” *Maldives Independent*, March 28, 2106, <http://maldivesindependent.com/crime-2/maldivians-arrested-in-sri-lanka-linked-to-international-drug-network-123084>.

<sup>145</sup> Louise Shelley, “The Globalization of Crimes and Terrorism,” *IIP Digital*, June 5, 2008, <http://iipdigital.usembassy.gov/st/english/publication/2008/06/20080608103639xjyrrep4.218692e-02.html#axzz48T4j0Sr2>.

supporters for insurgencies.”<sup>146</sup> In other words, terrorists create a causal link between immigrants and other criminal groups to finance their organizations. While the guerilla forces have been defeated, the new Tamil tigers provide many opportunities for conducting covert illegal actions. The covert operations include the global mafia, activities in terror networks, and criminal activities.<sup>147</sup> Rohan Gunaratna, the head of the International Centre for Political Violence and Terrorism Research, suggests that human smugglers have assembled the most asylum seekers and illegal immigrants transported to Australia by boat from India to Indonesia via Sri Lanka.<sup>148</sup>

Furthermore, former LTTE combatants smuggle people across the globe. Even after the LTTE was dismantled in Sri Lanka in 2009, its “overseas terrorist network is integral and the group remains active in Northern Sri Lanka, India’s Tamil Nadu, Western Europe and Australia,” collecting money, raising funds, and holding financial resources, business, and property overseas for future terrorist activities.<sup>149</sup>

On the other hand, immigrants also pose threats to the country’s social security as a result of ethnic differences. As Weiner describes, “Migration can be perceived as threatening by government of either population-sending or population-receiving communities.”<sup>150</sup> The identity issue mainly affects societal security, but it also “concerns the ability of a society to persist in its essential character under changing conditions of possible or actual threats.”<sup>151</sup> In terms of migrants, “it reflects the ways in which members of a receiving state perceive their cultural, linguistic, religious, or national identity to be threatened by such immigrants.”<sup>152</sup> As far as national identity is concerned,

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<sup>146</sup> Ibrahim, “The Securitization of Migration,” 172.

<sup>147</sup> Ted Griffith, “What Next for the Tamil Tigers?” *Mackenzie Institute*, April, 24, 2009, <http://mackenzieinstitute.com/what-next-for-the-tamil-tigers/>.

<sup>148</sup> Ben Doherty, “People Smugglers Planning More Boat Trips to Australia, Says Analyst,” *Federal Politics*, July 13, 2014, <http://www.smh.com.au/federal-politics/political-news/people-smugglers-planning-more-boat-trips-to-australia-says-analyst-20140713-zt5w4.html>.

<sup>149</sup> Col. R. Hariharan, “Revival of Tamil Tigers in Sri Lanka,” *Hariharan Intelligence Blog*, <http://col.hariharan.info/2015/04/book-review-sri-lanka-new-country.html>.

<sup>150</sup> Weiner, “Security, Stability and International Migration,” 101.

<sup>151</sup> Julia Tallmeister, “Is Immigration a Threat to Security?” *E-International Relations Publishing*, August 24, 2013, <http://www.e-ir.info/2013/08/24/is-immigration-a-threat-to-security/>.

<sup>152</sup> Ibid.

a traditional immigrant-receiving state may have different perceptions. Western countries may be more tolerant and supportive of a policy of multiculturalism, whereas countries with a rising immigrant population face unintended consequences like communal violence, social uprisings, and ethnic discrimination.<sup>153</sup> Immigrants in such circumstances not only change the country's culture or demography but may also drive the country to violence and ethnic conflict.

Sri Lanka also faced similar threats in history and the recent past. For example, As Daya Hewapathirane describes, the social and cultural division of the Tamils and Sinhalese goes back many years to the invasion of Tamil-speaking Dravidians.<sup>154</sup> However, Bart Klem identifies that rivalry of the two ethnics groups emerged even before that, "in times of external threats from South India after the formulation of clear Sinhalese and Tamil ethnic or cultural identities in the 9th century."<sup>155</sup> Forces of "Sinhalese nationalism [have been] perpetuating notion of eternal conflict with Tamils had been gathering strength" over time.<sup>156</sup>

Then came the civil war with its marked ethnic and sectarian aspects. The brutal territorial struggle expanded over 30 years and made the country a war zone rife with deadly attacks, including suicide bombings. Starting in 1983, between 80,000 and 100,000 people—including Sinhalese, Muslim and Tamil civilians—were killed in the conflict.<sup>157</sup> The Sri Lankan security forces conducted a major campaign (a humanitarian operation from 2006 to 2009) against the LTTE, bringing the entire country into the

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<sup>153</sup> Michaela Rehele, "EU Migrants Crisis: Germany's Spiegel Asks 'How Naïve Do We Want to Be?'" *Sputnik International*, October 8, 2015, <http://sputniknews.com/europe/20151008/1028202296/germany-refugee-crisis-social-instability.html>. For further information, please see Weiner, "Security, Stability and International Migration"; and Duncan Cooper, *Immigration and German Identity in the Federal Republic of Germany from 1945 to 2006* (Berlin: LIT Verlag, 2010).

<sup>154</sup> Hewapathirane, "Invasions, Violence, Atrocities and Plunder."

<sup>155</sup> Bart Klem, "Sri Lanka: Possible Futures and Patterns of Displacement," United Nation High Commissioner for Refugees, Emergency and Security Services, April 2006, 1–5, [http://www.bartklemresearch.nl/files/publications/displacement\\_scenarios\\_sri\\_lanka.pdf](http://www.bartklemresearch.nl/files/publications/displacement_scenarios_sri_lanka.pdf).

<sup>156</sup> Ibid.

<sup>157</sup> "Amnesty Urges UN to Release Lankan Death Toll," NDTV, May 30, 2009, <http://www.ndtv.com/world-news/amnesty-un-to-release-lankan-death-toll-395178>.



government's democratically minded political mechanism.<sup>158</sup> However, recent intelligence reports indicate the reemergence of LTTE cells in Sri Lanka.

The existing refugee crisis—due to questions surrounding the refugees and asylum seekers who fled to Tamil Nadu during the war—has created a situation that encourages younger Tamils to join new LTTE cells. Major displacements took place between 2008 and 2009 when nearly “200,000 people fled to government-controlled territory,” with a majority fleeing to South India by sea.<sup>159</sup> Furthermore, according to available statistics, 30,000 IDPs remain in camps after arriving from Tamil Nadu as immigrants and asylum seekers.<sup>160</sup> These groups are more vulnerable to any insurgency, ethnic uprising or terrorist activities.<sup>161</sup> Recent insurgent activities are classic indicators of the re-emergence of the LTTE cells. Martha Crenshaw identifies a “distinct pattern of organizational evolution.” She points out that over time, groups form, split, merge, collaborate, compete, decline, and grow.<sup>162</sup> This theory is applicable to the present Sri Lankan context. Approximately 2,000 or more ex-combatants narrowly escaped during the humanitarian operation and live in Sri Lanka or Tamil Nadu in India, or abroad.<sup>163</sup>

Since 2009, several attempts have been made by the LTTE to regroup and reorganize inside and outside the country. The first attempt, made on March 2012 by the former LTTE cadre known as Kumaran living in Paris, recruited 15 ex-LTTE cadres from Tamil Nadu for clandestine operations in Sri Lanka.<sup>164</sup> These groups have organized into

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<sup>158</sup> Simon Harris, “Humanitarianism in Sri Lanka, Lessons Learned?” (briefing paper, Feinstein International Center, June 2010), 7, [www.alnap.org/pool/files/sri-lanka-tufts.pdf](http://www.alnap.org/pool/files/sri-lanka-tufts.pdf).

<sup>159</sup> Paul Moorcroft, *Total Distraction of the Tamil Tigers*, The Rare Victory of Sri Lanka's Long War (Pen and Sword, 2015): 138–145.

<sup>160</sup> S. Y. Surendra Kumar, “Conflict and Internal Displacement in Sri Lanka: Concerns and Obstacles to Durable Solutions,” 2–4, <http://www.mcrp.ac.in/PP41.pdf>.

<sup>161</sup> Ibrahim, “The Securitization of Migration,” 172.

<sup>162</sup> Martha Crenshaw, “Mapping Terrorist Organizations” (paper for the Center for International Security and Cooperation, Stanford University, January 2010), 1–5, <http://www.internationalstudies.socsci.uci.edu/files/docs/crenshaw2010.pdf>.

<sup>163</sup> Udeshi Amarasinghe, “Modus Operandi: Tamil Diaspora and LTTE Organization,” *Lankaweb*, June 24, 2014, <http://www.lankaweb.com/news/items/2014/06/24/modus-operandi-tamil-diaspora-and-ltte-organisations/>.

<sup>164</sup> Hariharan, “Revival of Tamil Tigers in Sri Lanka.”

three cells of five members to carry out killings at Trincomalee; however, the mission terminated unsuccessfully due to a defector among them.<sup>165</sup>

The second attempt happened in December 2012; a group of ex-LTTEs, including a top expert in explosives, with financial assistance from overseas, entered Tamil Nadu to recruit and indoctrinate Sri Lankan Tamil youth with the LTTE ideology. The police arrested the plotters in a house in Chennai, India with incriminating documents, electronic circuits, and panels.<sup>166</sup>

The third attempt occurred in March 2014, which culminated in the arrest of former LTTE cadre member Gopi, who opened fire on police officers during a routine check in the Kilinochchi area.<sup>167</sup> Government forces immediately cleared the area and arrested Gopi who had a metal detector that allowed him to find arms and explosives dumped by the LTTE during the “final stage of the battle.”<sup>168</sup> These isolated incidents suggest undercover operations by small cells of LTTE combatants in this post-conflict situation threaten the national security in Sri Lanka.

The Sri Lankan Tamil diaspora is a politically and ethnically motivated group that consists of immigrants, labor migrants, refugees, and travelers.<sup>169</sup> In the recent past, the government of Sri Lanka has provided opportunities for the Tamil diaspora who lives abroad to return home.<sup>170</sup> Nevertheless, there is a strong belief that the diaspora, asylum seekers, and Tamil returnees are linked to LTTE cells in Sri Lanka.<sup>171</sup> For example, the government of Sri Lanka has accused people returning from asylum in such countries as

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<sup>165</sup> Hariharan, “Revival of Tamil Tigers in Sri Lanka.”

<sup>166</sup> Ibid.

<sup>167</sup> Amarasinghe, “Modus Operandi.”

<sup>168</sup> Ibid.

<sup>169</sup> Rianne Sujeewa Cornelia Elisabeth Laan, “Sri Lankan Diaspora Returning ‘Home’: Transnational Ways of Belonging and Being” (minor dissertation, Department of Sociology, University of Cape Town, 2015), 19, [https://open.uct.ac.za/bitstream/item/14691/thesis\\_hum\\_2015\\_laan\\_rsce.pdf?sequence=1](https://open.uct.ac.za/bitstream/item/14691/thesis_hum_2015_laan_rsce.pdf?sequence=1).

<sup>170</sup> Ibid., 7–8.

<sup>171</sup> “Treatment of Failed Asylum Seekers: An Overview of the Persecution Faced by Failed Asylum Seekers Returning to Sri Lanka,” Tamils Against Genocide, May 2012, <http://no-racism.net/upload/961267193.pdf>.

Britain and Scandinavian countries, with active Tamil diaspora communities, of being actively associated with terrorists in Sri Lanka.<sup>172</sup>

The Tamil diaspora consists of different organizations. The Global Tamil Forum (GTF), the Transnational Government of Tamil Eelam (TGTE), and the British Tamil Forum (BTF) are important elements.<sup>173</sup> On the other hand, all organizations look at the potential for new military wings in Sri Lanka, especially among the young Tamil generation who can be radicalized to honor thousands of Tamil civilians who sacrificed their lives during the conflict.<sup>174</sup> The LTTE as a military group was defeated at home, but its network overseas survives, and the organization is moving toward a global terror network.<sup>175</sup> The lobby is powerful not only in host countries , “but also [in] international forums like the UN, the World Bank, the IMF and other important stakeholders.”<sup>176</sup>

In addition, remnants of the LTTE and Tamil diaspora have galvanized the Tamil youth overseas and used them for a malicious propaganda campaign and active role in LTTE network functions abroad.<sup>177</sup> For example, a number of young Tamil students in India and Europe held public protests for 19 days in a hunger strike to call international attention to the situation in Sri Lanka.<sup>178</sup> Furthermore, the aim of the diaspora network is to raise alternative voices to create “cultural dialog with the international community and the government of Sri Lanka.”<sup>179</sup> The young Tamil community could play a vital role in replacing leadership because its generation has been brought up with university degrees from Western countries.<sup>180</sup> Because younger Tamils have now become active in the

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<sup>172</sup> “Treatment of Failed Asylum Seekers: An Overview of the Persecution Faced by Failed Asylum Seekers Returning to Sri Lanka.”

<sup>173</sup> “A Post-War Challenge for Sri Lanka: Dismantling the LTTE Overseas and Rebuilding a Sri Lankan Identity” (speech of Professor Rohan Gunaratna), *Asian Tribune*, <http://www.asiantribune.com/news/2010/08/05/post-war-challenge-sri-lanka-dismantling-ltte-overseas-and-rebuilding-sri-lankan-i>.

<sup>174</sup> “Tamil Diaspora after the LTTE,” International Crisis Group, 10–12.

<sup>175</sup> “Tamil Diaspora after the LTTE,” International Crisis Group, 10–12.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid., 15.

<sup>179</sup> Ibid., 14–16.

<sup>180</sup> “Tamil Diaspora after the LTTE,” International Crisis Group, 20.

diaspora's political role in support of conflict in the homeland resulting from immigration, they pose a greater impact on the security issues in Sri Lanka.

### **3. Religious Extremism**

A new threat of religious extremism emerged because of the effects of recent immigration. America's foreign intelligence service recognized that "Wahhabism would be an effective rival theology to prevent the spread of Iranian influence in Sri Lanka" since the Eastern province has been successfully penetrated by Saudi agents.<sup>181</sup> Traditionally, Sufism is the primary Islamic sect observed throughout South Asia, which includes Sri Lanka.<sup>182</sup> According to Daya Hewapathirane, "Sufism is considered to be the mystical, ascetic branch of Islam which emphasis a personal experience with Allah."<sup>183</sup> As the *Asian Tribune* defines, "Wahhabism is a new politico-religious movement, which is sweeping the Eastern province of Sri Lanka with more than 50 Muslim fundamentalist organizations supporting, helping and propagating the movement throughout the island."<sup>184</sup> Such emergence of homegrown extremist activities due to immigration has threatened the country and the people of the Eastern province.

Many Muslim countries and extremist groups have provided military assistance, including military training in the Middle East, to various Muslim organizations in Sri Lanka as a result of recent immigration.<sup>185</sup> For example, many Sri Lankan Muslim youths have acquired military training in Lebanon through politically motivated armed Muslim organizations, coordinated by the powerful Muslim minister who represents the Eastern Province in the parliament of Sri Lanka.<sup>186</sup>

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<sup>181</sup> Stephen Schwartz and Irfan Al-Alawi, "The Wahhabi Invasion of Sri Lanka," March 27, 2013, <https://www.colombotelegraph.com/index.php/the-wahhabi-invasion-of-sri-lanka/>.

<sup>182</sup> Daya Hewapathirane, "Antagonism among Muslims in Sri Lanka," *Lankaweb*, March 30, 2013, <http://www.lankaweb.com/news/items/2013/03/30/antagonism-among-muslims-in-sri-lanka/>.

<sup>183</sup> Ibid.

<sup>184</sup> "Militant Wahhabism Beats Other Islamic Fundamentalists in Sri Lanka," *Asian Tribune*, August 28, 2007, <http://www.asiantribune.com/index.php?q=node/7156>.

<sup>185</sup> Sri Lankan Guardian, "Exclusive: ISIS Sri Lankan Connection," July 24, 2015, <http://www.slguardian.org/2015/07/exclusive-isis-sri-lankan-connection/>.

<sup>186</sup> Ibid.

Similarly, Sri Lankan “madrasa” students have enrolled in religious schools on Afghan–Pakistani border and have been actively engaged in the Afghan conflict.<sup>187</sup> Additionally, some of them have studied in “Egypt under the sponsorship of the Muslim Brotherhood.”<sup>188</sup> Moreover, many religious activists from Pakistan, Egypt, Iran, Iraq, Saudi Arabia, and Jordan have regularly visited as immigrants and pilgrims to Sri Lanka for religious teachings related to radical Islam.<sup>189</sup> Thus, an ongoing immigration process has created the space to radicalize many Muslim youth in the northern and eastern Sri Lanka.

More than 100 Sri Lankan Muslim youths are presently engaging in ISIS activities in Syria and Iraq; a very “efficient recruitment drive of ISIS is progressing in the Middle East, targeting mainly foreign nationalists.”<sup>190</sup> As such, the security establishment is concerned about two aspects: first, “the existence of Islamic state-linked jihadist networks in the country” and second, identifying “other Sri Lankan nationals fighting for the jihadist group in Iraq and Syria.”<sup>191</sup>

At present, the entire region is active with dozens of Islamic terror activities, and it is only a matter of time before extremists are drawn to Sri Lanka. For example, so far, Afghanistan and Pakistan have been badly affected due to Islamic terrorism; above all, these groups are famous in exporting terrorism.<sup>192</sup> India repeatedly suffers from Islamic terror attacks on a large scale, for example, the Mumbai train bombing in 2006 and the Mumbai bombing in 2008.<sup>193</sup> A number of Islamic terrorist groups are active throughout India, Bangladesh, Indonesia, the Philippines, Thailand, and now Singapore, which has a greater impact on security in the region and Sri Lanka due to immigration.

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<sup>187</sup> Sri Lankan Guardian, “Exclusive: ISIS Sri Lankan Connection.”

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Viki Nanjappa, “Is the ISIS Threat Catching up to Sri Lanka?” *Sri Lanka Guardian*, February 2, 2016, <http://www.slguardian.org/2016/02/is-the-isis-threat-catching-up-to-sri-lanka/>.

<sup>191</sup> Ibid.

<sup>192</sup> Kumar Moses, “The Dangerous Possibility of Islamic Terror in Sri Lanka,” *Lankaweb*, August 22, 2010, <http://www.lankaweb.com/news/items/2010/08/22/the-dangerous-possibility-of-islamic-terror-in-sri-lanka/>.

<sup>193</sup> Ibid.

#### 4. Influx of Labor Immigration

Immigration also affects the economy in the receiving country. According to Osvaldo Muniz, Wei Li, and Yvonne Schleicher, “Immigration has a significant economic impact on both the receiving country and the country of origin.”<sup>194</sup> In other words, immigrants generate both costs and benefits for the economy; the security arena in the economic sector encourages economic reformists to think deeply about the impact on immigrants and the state’s economy.<sup>195</sup> However, Sri Lankan public opinion is that immigrants have taken jobs from native-born workers since the early days of the country.

For example, as Ahmed H. Ilyas asserts that “the bulk of the Indian Tamil plantation workers in Sri Lanka were drawn from the most depressed and lowest caste groups in South India.”<sup>196</sup> In other words, a distinct ethnic group from Tamil Nadu, India, had been brought to Sri Lanka in the 19th century as plantation laborers, primarily working on the coffee and later tea plantations of the British.<sup>197</sup> The manual labor issue was strange to Sri Lankan society because the Sinhalese Kandyans provided physical labor initially when there were few plantations in the mid-18th century.<sup>198</sup> However, within a few years, Sinhalese Kandyan workers withdrew from the plantations due to an influx of laborers, and some hostilities arose over Tamils taking away the jobs of the native people of Sri Lanka.<sup>199</sup>

Immigration has had different influences on the state economy and on major construction projects. In the recent past, Indian and Chinese companies have dominated Sri Lanka’s large-scale business projects, creating a labor influx that affected native businesses in Sri Lanka. As Bandula Sirimanna points out, “Sri Lanka’s entire mega projects business has been farmed out to four Chinese companies and seven Indian

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<sup>194</sup> Muniz, Li, and Schleicher, “Conceptual Framework.”

<sup>195</sup> Weiner, “Security, Stability and International Migration,” 106; Huysmans, “Securitization of Migration”; Ibrahim, “The Securitization of Migration,” 167.

<sup>196</sup> Ahmed H. Ilyas, “Estate Tamils of Sri Lanka – A Socio Economic Review,” *International Journal of Sociology and Anthropology* 6, no. 6 (June 2014): 186, DOI: 10.5897/IJSA 12.061.

<sup>197</sup> Ibid., 186–188.

<sup>198</sup> Ibid.

<sup>199</sup> Ilyas, “Estate Tamils of Sri Lanka – A Socio Economic Review,” 185.

companies, with over 30,000 semi-skilled and unskilled Chinese workers displacing local laborers.”<sup>200</sup> As such, Chinese companies presently handle a special economic zone: a 1000-acre tapioca farm at Hambantota Port; Norochcholai, a 900-megawatt, coal-fired power plant; the Colombo-Katunayake expressway; and the Pallai-Kankesanthurai rail-line.<sup>201</sup>

Parallel to the Sri Lankan–Chinese business partnership, India drives all its efforts to dominate market enterprises in Sri Lanka with huge investments, especially among macro-level entrepreneurs.<sup>202</sup> For example, many companies, such as Mumbai based Company, handle super-luxury housing projects in the Kilinochchi and Mullativu districts.<sup>203</sup> Furthermore, the power grid cooperation of India Limited; the National Thermal Power Cooperation, a Lankan–Indian oil cooperation; and Lanka Asok Leyland has made a massive investment to develop business on the island. Nearly one hundred Indian companies presently operate in Sri Lanka.<sup>204</sup>

The signing of the Economic and Technology Cooperation Act (ETCA) with India is another impending economic issue in terms of immigration. As the *Economic Times* describes, the leading Sri Lankan trade chamber has welcomed the proposed ETCA with “India to boost cooperation in technical areas, scientific expertise and research among institutions as well as to boost standards of goods and services that are able to compete in the global market and improve opportunities for manpower training human resource development.”<sup>205</sup> However, Sri Lankan opposition has criticized the planned economic agreement with India as an attempt to “foreignize” the economy and

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<sup>200</sup> Bandula Sirirmanna, “Chinese and Indian Companies Dominate Sri Lanka’s Mega Project Business,” *Business Times*, September 5, 2010, <http://www.sundaytimes.lk/100905/BusinessTimes/bt21.html>.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> “Sri Lanka Trade Chamber Welcomes ETCA with India,” *Economic Times*, February 26, 2016, <http://economictimes.indiatimes.com/news/economy/foreign-trade/sri-lanka-trade-chamber-welcomes-etca-with-india/articleshow/51153528.cms>.

labor market; thus, an agreement would prove useful to India but provide minimal benefits to the economic interests of Sri Lanka.<sup>206</sup>

Additionally, in February 2016, the doctors' trade union and several other employee organizations have taken to the streets to protest the ETCA. According to the president of the Computer Society of Sri Lanka, many illegal immigrants can stay in Sri Lanka without any visas or work permits because of lapses in immigration policies in the ETCA agreement.<sup>207</sup> In making the comment, the Computer Society president argues that when Indians work in Japan, the Middle East, and Singapore, they work on strict, limited working visas, whereby assigned economic laborers must leave such countries as soon as possible.<sup>208</sup> However, in the Sri Lankan situation, Indian laborers have the right to stay in Sri Lanka according to the proposed ETCA. Thus "the influx of workers from India easily fill low-level jobs," thereby robbing local talent of employment. Moreover, Indian labor immigrants "not only take jobs away from native citizens, but they also take away social benefits" such as state welfare and government benefits.

### **C. MEASURES TAKEN BY THE GOVERNMENT OF SRI LANKA**

This section is designed to identify the measures taken by the government of Sri Lanka—especially immigration sources and policies, administrative practices to monitor flow of immigration and the visa process, border control and security management, and the UNCHR to Sri Lanka to prevent a flow of irregular immigrants. Furthermore, this section discusses existing counterterrorism strategies such as laws, policies, legislation, and border security as well as existing policies to counter the financing of terrorism.

#### **1. Immigration Sources and Policies**

Sri Lanka has introduced immigration sources and policies to prevent illegal immigration and absorb a smooth flow of economic and skilled workers. As such, several agencies maintain proper documentation of immigration in terms of international

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<sup>206</sup> "Sri Lanka Trade Chamber Welcomes ETCA with India," *Economic Times*.

<sup>207</sup> Ibid.

<sup>208</sup> "What is ETCA and the Impact on Our IT Industry?" *ReadMe*, January 26, 2016, <http://readme.lk/etca-and-impact-on-our-industry/>.



migration and statistics, of which the major source for obtaining statistics is the Department of Immigration and Emigration (DIE).<sup>209</sup> The DIE is responsible for border protection and provides border statistics accordingly. In addition, the Sri Lankan Bureau of Employment (SLBFE) records migration figures and maintains a data bank on migrant labors; likewise, the UNHCR produces statistics on asylum seekers, refugees, and repatriation.<sup>210</sup>

Similarly, the Department of Census and Statistics collects limited information of foreigners and family members upon their arrival.<sup>211</sup> Additionally, the SLBFE and other agencies conduct random checks to measure the characteristics of immigrants such as “country of birth and citizenship.”<sup>212</sup> However, the existing policies for identifying undocumented immigrants in Sri Lanka have been less effective.<sup>213</sup> As a result, a recent influx of immigrants, especially from Tamil Nadu, have been observed in Sri Lanka.

*a. Measures Taken to Monitor the Immigration-Visa Process.*

Immigration acts and laws are important for monitoring immigrants as well as for preventing the flow of illegal immigration. The Immigrants and Emigrants Act No. 20 of 1948 and following amendments to visas provide legal status to enter and stay in Sri Lanka.<sup>214</sup> The head of the Foreign Affairs Ministry of Sri Lanka and the Controller Department of Immigration and Emigration in Colombo are vested with the authority to issues visas for individuals to stay in the country.<sup>215</sup> Moreover, based on the immigration-processing requirement, any foreigner can apply for a non-residential or residential visa

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<sup>209</sup> H. R. Gunasekara, “Development of International Migration Statistics in Sri Lanka,” paper presented at the United Nations Expert Group Meeting on Measuring International Migration, New York, December 4–7, 2006, 7, <http://unstats.un.org/unsd/demographic/meetings/egm/migrationegm06/DOC%2011%20Sri%20Lanka.pdf>.

<sup>210</sup> Ibid., 1–2.

<sup>211</sup> Ibid., 12.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid., 1–2.

<sup>214</sup> Ibid., 1–3.

<sup>215</sup> Ibid.

through the consular of the Department of Immigration and Emigration to remain in Sri Lanka.<sup>216</sup>

Conversely, a formal letter, such as an endorsement from the Board of Investment, a foreign mission, or the line of ministries in Sri Lanka, must be produced to obtain a visa.<sup>217</sup> Such effective measures, especially in immigration and emigration channels, only monitor the flow of legal immigration.

***b. Border Control***

In 1949, the Department of Immigration and Emigration of Sri Lanka was established and has had total responsibility for border control.<sup>218</sup> Furthermore, “the Immigrants and Emigrants Act No. 20 of 1948 provided comprehensive regulation of the flow of persons to and from the country.”<sup>219</sup> On the other hand, limited exits allow passengers to arrive and depart from Sri Lanka, namely via the Bandaranayake International Airport in Katunayake and the Mattala International Airport in Hambantota; however, Colombo and Trincomalee harbors are rarely used by travelers because such harbours are designed for sea cargo transportation.<sup>220</sup>

***c. United Nations High Commissioner for Refugees to Sri Lanka***

UNHCR involvement in Sri Lanka started when the government requested the UNHCR’s assistance in collecting data on “repatriation, refugees abroad and refugees and asylum seekers” in 1987, especially, in assisting with “large scale repatriation of Sri Lankan refugees from India.”<sup>221</sup> Regarding international migration, the UNHCR collects data throughout the registration process in Sri Lanka.<sup>222</sup>

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<sup>216</sup> Gunasekara, “Development of International Migration Statistics in Sri Lanka,” 1–3.

<sup>217</sup> Ibid., 2–3.

<sup>218</sup> Ibid., 3.

<sup>219</sup> Ibid., 3. For further information on immigrants and emigrants, see Laws of Sri Lanka, “Immigrants and Emigrants Act,” Blackhall Publishing, <http://srilankalaw.lk/Volume-IV/immigrants-and-emigrants-act.html>.

<sup>220</sup> Gunasekara, “Development of International Migration Statistics,” 11.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

Data on repatriation falls into two categories—as they do in India and other countries. The majority of refugees from India comprise documented and undocumented immigrants. According to Constance Johnson, “The government of Sri Lanka is in the process of revising the country’s 2006 immigration law, with the goal of curtailing illegal smuggling immigrants.”<sup>223</sup> As Johnson points out, the changes include punishment for human smugglers, and those convicted of profiting from exploiting migrants will lose their assets and be subjected to terms of imprisonment up to 20 years.<sup>224</sup>

## **2. Counterterrorism Strategies**

The counterterrorism strategy of Sri Lanka is based on countering the financing of terrorism and preventing terrorism. The Sri Lankan government defeated terrorism in 2009. However, the government of Sri Lanka remains concerned over financial support and the international network of the LTTE. The government of Sri Lanka maintains a strong military presence in the North and East and remains concerned about pro-LTTE sympathizers and a possible re-emergence of LTTE cells.<sup>225</sup> Accordingly, laws have introduced a new aspect of “prevention to the existing deterrence and correction strategies of criminal justice,” especially to prevent militants from committing violent acts.<sup>226</sup>

The government of Sri Lanka has introduced five broad categories of counterterrorism legislation: first, the constitution augmented by emergency provisions to counter an emergency situation; second, “laws of proscription that criminalize banned militant groups and a range of undesirable activities that are detrimental to the safety of

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<sup>223</sup> Constance Johnson, “Immigration and Nationality: Sri Lanka in Place to Revise Immigration Law,” *Global Legal Monitor*, September 11, 2012, <http://www.loc.gov/law/foreign-news/article/sri-lanka-plan-in-place-to-revise-immigration-law/>.

<sup>224</sup> Ibid. For further details, see International Organization for Migration, *Managing Migration: Technical Capacity Building Program in Sri Lanka 2002–2009* (Colombo, Sri Lanka: Author), <http://srilanka.iom.int/iom/sites/default/files/pictures/slides/IOM%20CBMM%20Book.pdf>.

<sup>225</sup> Niranjana Rambukwella, “Sri Lanka’s National Security Silence: Threat or Defence?” *Colombo Telegraph*, March 20, 2014, <https://www.colombotelegraph.com/index.php/sri-lankas-national-security-silence-threat-or-defence/>.

<sup>226</sup> N. Manoharan, *Counterterrorism Legislation in Sri Lanka: Evaluating Efficacy* (Policy Studies 8) (Washington, DC: East–West Center, 2006), 4, <http://docplayer.net/8588594-Counterterrorism-legislation-in-sri-lanka-evaluating-efficacy.html>.

the people” and the state; third, special laws against the military like the U.S. Patriot Act<sup>227</sup> and the British Prevention of Terrorism Act;<sup>228</sup> fourth, the Indian Armed Forces Special Power Act,<sup>229</sup> which include special laws that give “immunity and additional special powers to the security forces”; and fifth, “laws on the control of finances, money laundering, and drug trafficking” that are primarily defined in the legislation.<sup>230</sup>

**a. Preventive Measures (Legislation, Border Security, and Law Enforcement)**

Sri Lanka’s counterterrorism legislation has principally focused on the prevention of terrorism. The Prevention of Terrorism Act was enacted in 1982 as a measure in wartime that provided the armed forces the “powers to search, arrest and detain individuals.”<sup>231</sup> Furthermore, in 2013, the government of Sri Lanka became an active member of the U.S. State Department’s defence and energy cooperation, homeland security.<sup>232</sup> Furthermore, the government of Sri Lanka has continued to vote for securing its maritime border with the United States since 2013.<sup>233</sup>

Border security remains significant because it consists of the state’s export and control system and documented fraud recognition. The International Organization of Migration (IOM) tracks, profiles, identifies, arrests, and prosecutes violators, among other border control–associated activities.<sup>234</sup>

Similarly, the government of Sri Lanka started coordinating with the government of Canada on counterterrorism programs based on two border security–related projects.

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<sup>227</sup> “USA Patriot Act: Status and Regulations,” finCEN, [https://www.fincen.gov/statutes\\_regs/patriot/](https://www.fincen.gov/statutes_regs/patriot/).

<sup>228</sup> “Terrorism Act 2000,” National Archives, <http://www.legislation.gov.uk/ukpga/2000/11>.

<sup>229</sup> For information on the Indian Armed Forces (Special Powers) Act of 1958, please visit [https://www.icrc.org/ihl-nat.nsf/0/23fb81e4ad23e2b3c1257682002cfd/\\$FILE/The%20Armed%20Forces%20\(Special%20Powers\)%20Act.pdf](https://www.icrc.org/ihl-nat.nsf/0/23fb81e4ad23e2b3c1257682002cfd/$FILE/The%20Armed%20Forces%20(Special%20Powers)%20Act.pdf).

<sup>230</sup> Manoharan, *Evaluating Efficacy*, 4–5.

<sup>231</sup> “Country Reports on Terrorism 2013,” Sri Lanka Bureau of Counterterrorism, April 30, 2014, <http://photos.state.gov/libraries/sri-lanka/5/pdfs/CRT-2013.pdf>.

<sup>232</sup> *Ibid.*, 199.

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.*

First is the Interpol database system, which stores and shares real time information. Second is the lost and stolen passport program that addresses similar border control issues to those Sri Lanka faces.<sup>235</sup> Along the same line, the 2013 bilateral agreement on information sharing called Advance Passenger Information remarkably strengthened the collaboration among Sri Lanka and its EU counterparts.<sup>236</sup> Furthermore, the government of Australia in collaboration with other countries facilitated an online program for passport fingerprinting in 2014 to combat illegal migration.<sup>237</sup>

***b. Countering the Financing of Terrorism***

Countering terrorism financing requires regional and global cooperation and coordination. Sri Lanka is a member of the Eurasian Group on “Combating Money Laundering and Terrorist Financing (EAG).”<sup>238</sup> Additionally, the government of Sri Lanka belongs to the Financial Action Task Force (FATF) as does its regional partner India and the United States.<sup>239</sup> Further, Sri Lanka was welcomed by the FATF in June 2006 to advance and improve anti-money laundering efforts, counter terrorist financing , and monitor the FATF’s process to encourage the operationalization of its measures to identity and freeze the assets of terrorists.<sup>240</sup>

The Suppression of Terrorist Financing Act No. 25 of 2005, adopted by the Sri Lankan Parliament on July 7, 2005 to give effect to the UN Convention on Suppression of Terrorist Financing of 1999, of which Sri Lanka is a signatory, is the latest addition to the country’s counterterrorism laws. Under this law, providing or collecting funds for terrorist activities is an offense (Section 3 [1] [2]), punishable by fifteen to twenty years’ imprisonment, in addition to a fine (Section 3 [4]). In sum, Sri Lanka’s counterterrorism laws are characterized by: one emphasis on protection of the state rather than people; two, overreaction to the threat posed and measures that are far more drastic than necessary; three, hasty

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<sup>235</sup> “Country Reports on Terrorism 2013,” 199.

<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

enactment without much scope for public debate or judicial scrutiny; four, inadequate safeguards against misuse of these laws.<sup>241</sup>

The issue of immigration in Sri Lanka has not been critical on the political agenda of the government. The immigration crisis and national security threats need careful assessment because the issue of immigration becomes easily communalized. Given the foreign market expansion based largely on the economic landscape of India and China, Sri Lanka's expanding economy may prevent the government from addressing the immigration issue. However, with the rise of criminal activities and frequency of terrorist and extremist incidents, the government cannot overlook the issues of immigration-security threats but must find solutions.

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<sup>241</sup> Manoharan, *Evaluating Efficacy*, 29.

### **III. IMMIGRATION AND NATIONAL SECURITY: A COMPARATIVE ANALYSIS OF INDIA AND THE BAHAMAS**

Migration is a complex process that raises many security concerns and has direct effects on countries of origin and destinations. Many states face various challenges associated with immigration, some of which affect national security. This chapter looks at two states: India and the Bahamas. India is a much larger state than Sri Lanka and its closest neighbor. Thus, many of India's migration issues, particularly concerning terrorism, emerge in Sri Lanka, as well. The Bahamas is an island nation with some specific migration issues that parallel Sri Lanka's experience, particularly with respect to illegal immigration.

This chapter discusses the measures taken by both countries to prevent the arrival of illegal immigrants and examines the causes and effects of immigrants on national security in social, economic, and political terms. It also examines such measures as immigration policies, homeland security, and counterterrorism strategies that have been adopted by both countries to overcome possible threats.

#### **A. INDIA**

South Asia with India as its center has witnessed amazing and complex phenomena of human migration: the South Bhutanese of "Nepali origin" have fled to Nepal, the Chakmas of Bangladesh migrated to India, and the Tamils of Indian origin have sheltered in India from Sri Lanka.<sup>242</sup> Consequently, causes of migration are complex and varied. As described by Sharma and Bhushan, there are 12 illegal flows of immigration in South Asia, especially to India:

- (i) India-Pakistan refugee flow, 1947-48 involving 15,000,000 Hindus and Muslims, (ii) exodus of Burmese Indians numbering about 1,000,000 during 1948-65, (iii) exodus of Srilankan Indians and Tamils to the tune of about 1,000,000 from 1954 which is still continuing, (iv) flight of almost 10,000,000 Bangladeshis to India in 1971, (v) "stranded" Pakistanis in

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<sup>242</sup> Rajeev Sharma and Ankita Bhushan, "Illegal Immigration of Bangladeshis into India: National Security Challenges," paper presented at the 23rd World Congress of IPSA, Montreal, Canada, July 2014, [http://paperroom.ipsa.org/papers/paper\\_42931.pdf](http://paperroom.ipsa.org/papers/paper_42931.pdf).

Bangladesh numbering about 300000, (vi) flight of 200,000 Burmese Muslims to Bangladesh in 1978, (vii) flight of 100000 chakmas into India in 1981, (viii) some 3000000 Afghans moved to Pakistan during 1978-93 of which about 2000000 have since returned, (ix) flight of Tibetans to India from 1958 to 1963 numbering about 100000, (x) exodus of nearly 60000 Bhutanese of Nepalese origin to Nepal in 1990-91, (xi) unestimated and unaccounted immigration of Nepalis into India; and finally (xii) the massive, controversial and unwanted population flow from Bangladesh to Assam, West Bengal and Tripura in particular, and other parts of India in general.<sup>243</sup>

## 1. Historical Background of the Migration from Bangladesh to the Assam State



Figure 7. Map of Assam State.<sup>244</sup>

The influx of illegal immigrants poses many threats to Assam in India. During the occupation of the British in Northeast India, rivalries among the local tribes and massacres left the area largely uninhabited.<sup>245</sup> However, at the initial stage under British

<sup>243</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

<sup>244</sup> Source: “Assam (Asom) District Map,” Maps of World, <http://www.mapsofworld.com/india/assam/>.

<sup>245</sup> Shahnawaz Ahmad Mantoo, “Bangladesh Illegal Immigration: Effects and Consequences,” *Journal of Eurasian Studies* 4, no. 3 (July 2012): 38–39, [http://epa.oszk.hu/01500/01521/00015/pdf/EPA01521\\_EurasianStudies\\_0312\\_038-053.pdf](http://epa.oszk.hu/01500/01521/00015/pdf/EPA01521_EurasianStudies_0312_038-053.pdf).



control, the immigrant population from neighboring regions, such as Bengal, Bihar, and Nepal, settled in the area and helped develop the region.<sup>246</sup> These migrants changed the demography and the ecology of the area with their occupation of native lands and the forest reserve.<sup>247</sup>

As a result, the British initiated the East Bengal Frontier Regulation in 1873<sup>248</sup> to minimize the movement of the Bengali Muslim immigrants, but such regulations became unsuccessful because better living conditions and a “shortage of labor” brought an influx of immigrants.<sup>249</sup> Further, “after the partition of Bengal in 1905, Muslims from overpopulated East Bengal started moving to the fertilized lands in less populated areas.”<sup>250</sup> Yet an incomplete 4,096-kilometer border fence on the India–Bangladesh line remained porous.<sup>251</sup> Assam in northeastern India was the most affected by the influx of illegal migrants from Bangladesh for two reasons. First was the uncontrolled growth of the population, which resulted in a crisis of living space in Bangladesh. Second was natural disaster, such as flood, landslide and earthquake.

Further, the differences in growth rates between Assam and the rest of India during the pre-independence period showed that Assam’s population increased 103.51 percent while the rest of the country’s rate was 33.67 percent.<sup>252</sup> Today, Assam is home to about five million illegal immigrants, and those immigrants pose many security threats to the region.<sup>253</sup> This immigration crisis in Assam has shown that the government of

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<sup>246</sup> Mantoo, “Bangladesh Illegal Immigration,” 39.

<sup>247</sup> Ibid.

<sup>248</sup> East Bengal Frontier Regulation of 1873, August 27, 1873, [http://mdoner.gov.in/sites/default/files/silo4\\_content/entry%20restrictions%20in%20NER/Bengal%20Eastern%20Frontier%20Regulation,%201873.pdf](http://mdoner.gov.in/sites/default/files/silo4_content/entry%20restrictions%20in%20NER/Bengal%20Eastern%20Frontier%20Regulation,%201873.pdf).

<sup>249</sup> Mantoo, “Bangladesh Illegal Immigration,” 39.

<sup>250</sup> Bedanta Kr. Dutta and S. S. Das, “An Inquiry into the Problem of Illegal Migration from Bangladesh and Its Impact on the Security of India,” *International Journal of Research in Social Science and Humanities* 2, no. 4 (October 2013), [http://www.ijrssh.com/images/short\\_pdf/Dec\\_2013\\_Bedanta%20Kr.%20Dutta.pdf](http://www.ijrssh.com/images/short_pdf/Dec_2013_Bedanta%20Kr.%20Dutta.pdf).

<sup>251</sup> Ibid.

<sup>252</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

<sup>253</sup> Ibid.

India needs possible measures to revise existing laws and introduce new policies to prevent an influx of immigrants from Bangladesh.

## **2. Causes and Effects on National Security**

India perceives immigration as a threat to security because of rapid increases in illegal immigration from Bangladesh. This section lays out such possible security threats as socio-economic friction, political instability, the rise of religious extremism and ISIS threats, and criminal activities due to immigration as well as measures taken by the government of India to mitigate threats. The section focuses on Bangladeshi migrants into India's Assam region.

### ***a. Economic and Socio-Cultural Threats***

The economy of Assam state is rooted in the agriculture sector with products like tea, petroleum, and lumber.<sup>254</sup> Further, agriculture is the predominant activity in the daily life of the majority of Assam's population; however, massive illegal migration from Bangladesh creates pressure on the land, employment, and other financial, social, and welfare benefits.<sup>255</sup> As Chirantan Kumar identifies, "the easy availability and readiness of the migrant workers to work at a very low wage rate and the general impression that the migrant workers are more hardworking, has worked against the local workers."<sup>256</sup> In other words, Kumar believes that the influx of migration has increased the unemployment issue among native people in the state, especially in every economic sector.<sup>257</sup> Similarly, the problems of deforestation, land grabs, trade competition, and illegal occupancy by undocumented migrants have also greatly strained the natural resources in the state.<sup>258</sup>

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<sup>254</sup> Sharma and Bhushan, "Illegal Immigration of Bangladeshis into India," 72.

<sup>255</sup> Ibid.

<sup>256</sup> Chirantan Kumar, "Migration and Refugee Issue between India and Bangladesh," *Scholars Voice: A New Way of Thinking* 1, no. 1 (January 2009): 76, [http://www.academia.edu/1840404/MIGRATION\\_AND\\_REFUGEE\\_ISSUE\\_BETWEEN\\_INDIA\\_AND\\_BANGLADESH](http://www.academia.edu/1840404/MIGRATION_AND_REFUGEE_ISSUE_BETWEEN_INDIA_AND_BANGLADESH).

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

On the one hand, a significant fear among the Assamese people is that the indigenous culture is overwhelmed due to an increasing number of immigrants.<sup>259</sup> In addition, Assam has become more dangerous because the demographic invasion may result in this geo-strategically vital district turning into a Muslim majority.<sup>260</sup> On the other hand, it is also feared that immigrant Bengalis will outnumber the locals in Tripura and wield political power, which might also affect the Assam region. For example, the Bengali immigrants who have consolidated along religious lines—such as the “Assam United Democratic Front (AUDF) supported by 14 extremist and fundamentalist groups”—alarm people because of their rapid raise.<sup>261</sup> This phenomenon has created socio-cultural tensions in Assam because of the competition among locals for employment and land for cultivation. Consequently, these migrants not only pose economic and socio-cultural threats but also a communal imbalance.

***b. Political Threats***

The high rate of migration from Bangladesh into Assam has resulted in political power being taken away from the locals. As Dutta and Das describe, “The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the state has been a matter of grave concern.”<sup>262</sup> In other words, the Assam people believe that illegal immigrants from Bangladesh “threaten to reduce their community to a minority in their own state.”<sup>263</sup> Additionally, the report notes that illegal immigration to Assam was the core issue of community violence such as the Assam student movement and outbreaks of insurgency in the area.<sup>264</sup> However, the AUDF participation in politics may possibly establish a close link with the immigrant community in Assam to stay in political power, and “the general perception is that this

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<sup>259</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

<sup>260</sup> Dutta and Das, “An Inquiry into the Problem of Illegal Migration.”

<sup>261</sup> Anand Kumar, “Illegal Bangladesh Migration to India: Impact on Internal Security,” *Strategic Analysis* 35, no. 1 (2010): 106–119, doi: 10.1080/09700161.2011.530988.

<sup>262</sup> Dutta and Das, “An Inquiry into the Problem of Illegal Migration.”

<sup>263</sup> Ibid.

<sup>264</sup> Ibid.

close ally could lead to a shift of political power from the hand of local Assamese people to the Bangladeshis.”<sup>265</sup> In short, illegal immigration not only jeopardizes the balance of the political system but also increases religious tension in the Assam region.

#### (1) Terrorism

Undocumented immigrants from Bangladesh have been engaged in terror activities in many parts of India.<sup>266</sup> According to Sharma and Bhushan, the beginning of incidents such as the Nellie Massacre (1983) and the demolition of a Mosque (1992), an organization called the United Social Reform Army of Assam formed in 1992 to protect the interest of Muslims in the Assam state.<sup>267</sup> Furthermore, because of radicalization, these groups created a stereotype of immigrants with many consequences for India. For example, members of the Jamaal-e-Islam group of Bangladesh active in Manipur has links to a number of Islamic groups (jihadi, Bangladeshi, and Pakistani terror groups and ISIS) and illegal Bangladeshi immigrants in Assam.<sup>268</sup> Many Muslim militants as well as fundamentalist groups found Assam to be the most suitable place to carry out their pre-planned activities because millions of Bangladeshi Muslims illegally residence in the Assam state.<sup>269</sup> Hence, the rise of extremism in Assam created a situation that radicalized the youth near the borders of India and Bangladesh.<sup>270</sup>

Along the Indian–Bangladeshi border, many training camps operate in places where most of the youth receive training using modern weapons from terrorist groups as a result of illegal immigration and a lack of border security.<sup>271</sup> As Dutta and Das highlight, madrasas in Assam state have mushroomed in recent years; this has caused an

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<sup>265</sup> Kumar, “Illegal Bangladesh Migration to India,” 111.

<sup>266</sup> Ibid., 113.

<sup>267</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India”; Nilim Datta, “Remembering the Nellie Massacre of 18 February 1983,” *TwoCircles.net*, February 18, 2014, [http://twocircles.net/2014feb18/remembering\\_nellie\\_massacre\\_18\\_february\\_1983.html#.V5KJ2vkrKUK](http://twocircles.net/2014feb18/remembering_nellie_massacre_18_february_1983.html#.V5KJ2vkrKUK); and Abdul Malic Mujahid, “What is the Babri Mosque Issue?” *Sound Vision*, July 22, 2016, <http://www.soundvision.com/article/what-is-the-babri-mosque-issue>.

<sup>268</sup> Ibid.

<sup>269</sup> Ibid.

<sup>270</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

<sup>271</sup> Dutta and Das, “An Inquiry into the Problem of Illegal Migration.”

even greater security impact on the Assam state. For example, as the report noted in 2009, Assam had 28,000 students actively engaged in terror activities.<sup>272</sup> As such, these extremist terror groups attempted to separate the entire North and East, especially the Assam state, from India.<sup>273</sup> In addition, several reports have noted the tremendous growth of extremist terror activities, including suicide bombings and political assassinations that target top-level political leaders and government elites in the Assam state.<sup>274</sup> Such activities in Assam not only threaten the region but also inspire fear in the people of other regions in India.

## (2) Al Qaeda and ISIS

Major global Islamic terrorist groups like al Qaeda and the Islamic State are operating and reportedly eyeing the region and other parts of India. According to N. Nijeesh, ISIS in its quest for world domination has included Assam among other parts of India, and that creates a rising interest among many people in Assam.<sup>275</sup> Further, Assam has a religious extremism ideology that helps people radicalize and join with other terrorist organizations including ISIS.<sup>276</sup> Additionally, as per the police reports, a suspected Islamic State operative, identified as Suman Aziz Lasker (ground-level leader), has recently been arrested by the police during a stay in Assam as a traveler.<sup>277</sup> Both states have Maoist/Naxalite terrorism as an expanding trans-border terrorist threat actively operate in central and eastern India because of illegal infiltration by immigrants.<sup>278</sup> It follows an increase in terrorist movements in Assam and indicates the

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<sup>272</sup> Dutta and Das, “An Inquiry into the Problem of Illegal Migration.”

<sup>273</sup> Ibid.

<sup>274</sup> Ibid. For additional information about suicide attacks and major terror attacks in India, please see Kukil Bora, “Major Terrorists Attacks in India Over the Last 20 Years: A Timeline,” *Consumer Financial Protection Bureau*, December 13, 2014, <http://www.ibtimes.com/major-terrorist-attacks-india-over-last-20-years-timeline-1752731>.

<sup>275</sup> N. Nijeesh, “India: Jihadi Threats in Assam-Analysis,” *Eurasia Review*, May 17, 2016, <http://www.eurasiareview.com/17052016-india-jihadi-threats-in-assam-analysis/>.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

establishment of new global terrorist networks and the rise of criminal activities in the region.

### c. *Criminal Activities*

The main anti-social activities of illegal immigrants in Assam include the associated crimes of smuggling, robbery, prostitution, beggary, and trafficking in women and children. According to Saikia Plabita, “The present day rise of crime in Assam has touched a sensitive level of concern and the news of involvement of illegal immigrants particularly from Bangladesh is very frequently focused.”<sup>279</sup> In other words, illegal immigrants from neighboring Bangladesh have fled to Assam, thereby increasing the rate of crime in the state.<sup>280</sup>

The results shown in Figure 8 indicate a district-wide average rate of crimes committed by the immigrants in the Assam state.

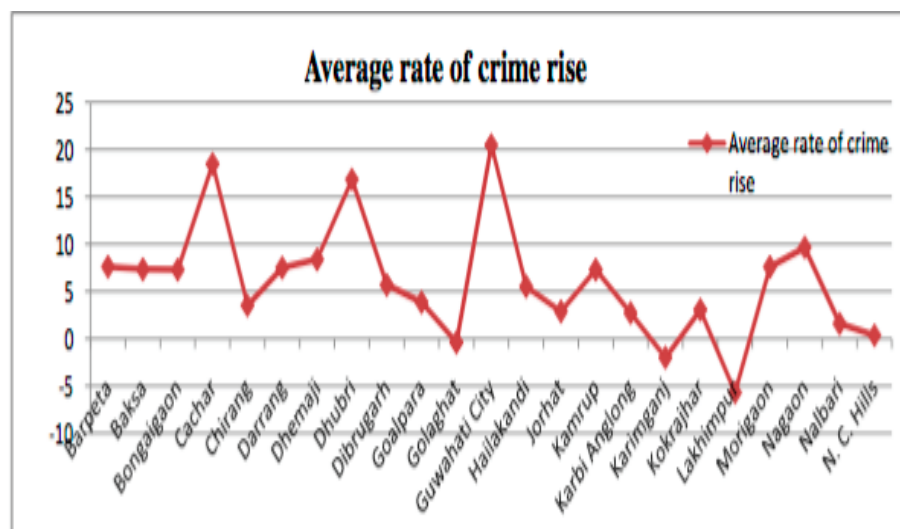


Figure 8. Average Rate of Crime in Assam Region.<sup>281</sup>

<sup>279</sup> Plabita, “Study on Rise of Crime Rate with Population Growth in Assam,” 10.

<sup>280</sup> Ibid., 9–10.

<sup>281</sup> Source: Saikia Plabita, “Study on Rise of Crime Rate with Population Growth in Assam (India) with Special Reference to Illegal Migrants,” *International Research and Journal of Social Sciences* 4, no. 1 (2015): 11, <http://www.isca.in/IJSS/Archive/v4/i1/2.ISCA-IRJSS-2014-229.pdf>.

According to statistics, migrants who enter India illegally are involved in many criminal activities. Similarly, criminal activities are mostly being carried out by gangs and other terrorist groups who are involved in narcotics smuggling and other illegal activities for the motive of earning easy money for their activities.<sup>282</sup> This situation is dangerous and requires serious security attention by India now.

### **3. Measures Taken by the Government of India**

The increase in security measures to prevent the illegal flow of immigrants from Bangladesh and threats posed by such immigrants are of paramount importance to the government of India. As such, this section evaluates existing countermeasures taken by the government of India, including existing immigration laws, policies, border protection and security management, measures for illegal entry and overstay, responses to prevent the flow of illegal immigrants, and counterterrorism strategies to combat cross-border terrorism and international as well as regional responses to prevent terrorism and the financing of terrorism.

#### ***a. Immigration Laws and Border Protection in India***

India has introduced many laws and protection measures to prevent illegal infiltration of immigrants. As Indian immigration law describes, “The Indian law relating to citizenship or nationalism is mainly governed by the provision of the Indian constitution.”<sup>283</sup> The constitution provides for a single citizenship for the entire country. Further, the Passport Act of 1920,<sup>284</sup> the Foreigners Act of 1946,<sup>285</sup> and the Regulation of Foreigners Act of 1939<sup>286</sup> work together to monitor the entry, stay and exit of aliens. As

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<sup>282</sup> “Assam Heading to Being Criminal Capital,” *Northeast Today*, <http://thenortheasttoday.com/assam-heading-to-being-criminal-capital/>.

<sup>283</sup> Tulika Chakraborty, “Immigration Laws in India,” Law Services India, July 26, 2010, <http://www.legalservicesindia.com/article/article/immigration-laws-in-india-259-1.html>.

<sup>284</sup> “The Passport (Entry into India) Act, 1920,” Indiankanoon.org, <https://indiankanoon.org/doc/1715361/>.

<sup>285</sup> Ibid.

<sup>286</sup> “Regulation Applicable to Foreigners in India,” Legal Services India, <http://www.legalserviceindia.com/immigration/regulation.htm>.

such, all administrative matters pertaining to policies, rules, and regulations related to immigration, visas, permanent residence, and the citizenship will be coordinated by the Foreigners Division of the Ministry and Home Affairs (MHA).<sup>287</sup>

Although the government of India has taken many steps to prevent the illegal flow of immigrants from Bangladesh, many infiltrations seen in the region of Assam suggest a need for serious revisions in immigration laws and policies.

***b. Illegal Entry and Overstay***

Illegal entry and overstay in India, as in other countries, are strictly prohibited. Further, the Passport Rule 3 of 1950 (entry to India) describes that “no person proceeding from any place outside India, shall enter or attempt to enter, India by water, land or air,” unless “he is in possession of a valid passport confirming the conditions described.”<sup>288</sup> Thus, anyone who violates the above rules or “attempts to enter India on a forged passport or visa,” will undergo legal consequences, which includes punishment “by imprisonment for a term, which may be extended to three months or with fines or both.”<sup>289</sup>

***c. Border Management and Security***

Effective border control management and security is important for preventing the illegal flow of immigrants, especially men and materials. The primary task of the Department of Border Management of the MHA is to protect and secure borders of India including coastal areas. The land borders of India extend over 15,107 kilometers, and the coastline length is 7,517 kilometers. Specific border spans include India-Bangladesh (4096.7 km), India-Pakistan (3323 km), India-China (3488 km), India-Bhutan (699 km), and India-Myanmar (1643 km).<sup>290</sup> To ensure the security of the borders, the Border

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<sup>287</sup> Tariq Ahmed, “Citizenship Pathways and Border Protection: India,” Library of Congress, March 2013, [https://www.loc.gov/law/help/citizenship-pathways/india.php#\\_ftn1](https://www.loc.gov/law/help/citizenship-pathways/india.php#_ftn1).

<sup>288</sup> Ibid.

<sup>289</sup> Ibid.

<sup>290</sup> Ibid.



Security Force under the command of the MHA is tasked “to guard India’s land borders during war and peacetime and prevent” transnational crimes.<sup>291</sup>

The Indo-Tibetan Border Police of India, the Tibet Autonomous Region of China, Sashastra Seema Bal Indo-Nepal, and Indo-Bhutan among other border paramilitary forces are also included in the MHA for a better command-and-control function.<sup>292</sup> Further, the Assam Rifles, a paramilitary force, functions under the MHA and is operationally under the command of the Indian Military to secure the Myanmar border. At present, a large number of military and paramilitary forces are deployed along the coastal and border states with proper coordination by the MHA.<sup>293</sup>

#### *d. Counterterrorism Strategies*

India has faced numerous insurgencies and separatist movements over time. Further, terrorists plan irregular bomb strikes in cities and strategically important economic locations. Since India has witnessed a new form of organized, sophisticated terrorism such as al Qaida and ISIS, however, the Indian government’s reaction to terrorist attacks has changed drastically. Today, “Indian counterterrorism cooperation with the United States” continues to strengthen depending on the bi-lateral cooperation needed for the full spectrum of terrorist threats in order “to eliminate terrorist safe havens and infrastructure, disrupt the terror network and financing and stop cross border” terrorism.<sup>294</sup>

##### *(1) Legislation and Law Enforcement*

India has continued pass laws, legislation, and other measures to counter domestic and international terrorism. India banned al Qaida and ISIS on 2014 under the Unlawful

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<sup>291</sup> Ahmed, “Citizenship Pathways and Border Protection: India.”

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> “Country Reports on Terrorism 2015: South and Central Asia Overview,” U.S. Department of State, <http://www.state.gov/j/ct/rls/crt/2015/257518.htm>.

Activities Prevention Act.<sup>295</sup> Further, India implemented UN Security Council Resolutions (UNSCR) 2178 and 2199, and under the UN 1267/1989/2253 imposed sanctions against al Qaida and ISIS.<sup>296</sup> In addition, India has continued to train its military specialists in law-enforcement security-related officials “to enhance capabilities of the forces in critical incident management, infrastructure security, community oriented policing, crime scenes investigation, explosive ordinance detection and counter measures and cyber security” to ensure the institutional capabilities to protect the national security of India.<sup>297</sup>

## (2) Countering the Financing of Terrorism

India’s primary aim is to counter the financing of terrorism by applying numerous measures. India acts as a partner to the United States for anti-money laundering/counterterrorism finance.<sup>298</sup> Similarly, India has also become “a member of the FATF, the Eurasian Group of Combating Money Laundering and Financing Terrorism and Asia/Pacific Group on Money laundering.”<sup>299</sup> On the other hand, India’s Financial Intelligence Unit monitors all data pertaining to money and wire transactions, especially suspicious money transactions, to prevent terrorism financing and misuse. Thus, a “high degree of training and expertise in financial investigation involving transnational crimes or terrorism-affiliated groups” is included in India’s strategy to counter the financing of terrorism at present.<sup>300</sup>

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<sup>295</sup> The Unlawful Activities (Prevention) Act, 1967, Chapter 1, “Preliminary,” [http://www.satp.org/satporgrp/countries/india/document/actandordinances/the\\_unlawful\\_activities\\_act1967.htm](http://www.satp.org/satporgrp/countries/india/document/actandordinances/the_unlawful_activities_act1967.htm).

<sup>296</sup> “Unanimously Adopting Resolution 2199 (2015), Security Council Condemns Trade with Al-Qaida Associated Groups, Threatens Further Targeted Sanctions,” press release, United Nations, February 2015, <http://www.un.org/press/en/2015/sc11775.doc.htm>; and “South and Central Asia Overview,” U.S. Department of State. For further information on UN 1267/1989/2253, see “Sanction List Material: ISIL (Da’esh) and Al Qaida,” UNSC Subsidiary Organs, accessed July 27, 2016, [https://www.un.org/sc/suborg/en/sanctions/1267/aq\\_sanctions\\_list](https://www.un.org/sc/suborg/en/sanctions/1267/aq_sanctions_list).

<sup>297</sup> Ibid.

<sup>298</sup> “South and Central Asia Overview,” U.S. Department of State.

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

### (3) International and Regional Cooperation for Countering Terrorism

India participates in a number of international and regional cooperative efforts to counter terrorism. India is a member of the Global Counterterrorism Forum (GCTF) is remarkable and participated in other UN forums on counterterrorism in 2015.<sup>301</sup> Additionally, with the increase in terror activities regionally and internationally, India's NIA has taken the regional lead in dialogue with the United States in the GCTF on foreign fighters and best practices to counter such threats in the future. Similarly, Bangladesh and other countries in the region continuously work to counter cross-border terrorism by strengthening bilateral cooperation in border management and the field of security, under the supervision of the South Asian Association of Regional Cooperation (SAARC).<sup>302</sup> However, the high increase in illegal immigrants and the rise of terrorism in Assam underscores India's need to revise immigration policies and counterterrorism strategies to prevent crimes, terrorism, and extremist activities in the future.

## **B. BAHAMAS**

The strategic location of the Bahamas just 185 miles from the United States in the Caribbean paves a migration pathway to the United States. Bahamas also faces its own challenges with illegal and undocumented immigrants, who have had created many security implications in the country. The principal migration problem that this island nation faces is from Haitians, who cannot immigrate legally but who come to Bahamas in great numbers, anyway. This section focuses on the rise of Haitian immigration on the Bahamas and its effects on national security.

### **1. Historical Background of Haitian Immigration**

The historical identification of both the Bahamas and Haiti with immigration goes back many centuries. Conversely, the "geographical proximity of these countries has

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<sup>301</sup> "South and Central Asia Overview," U.S. Department of State.

<sup>302</sup> Ibid.

been a source of conflict and tension, but also ... mutual benefits.”<sup>303</sup> Dawn I. Marshal points out that the Bahamians and Haitians interact mainly based on the trade from the 1950s to the 1960; specifically, the “schooner trade of Haiti and the Out Island trade of the Bahamas” continued until tourism became important to the Bahamas in the late 19th century.<sup>304</sup>



Figure 9. Map of Bahamas.<sup>305</sup>

Economic links and trade have increased the interest between the islands throughout the years; thus, many Haitian immigrants became established in the Bahamian Archipelago and on the island of Abaco.<sup>306</sup> According to Darren A. Henfield, “Many farm laborers from the northwestern province were recruited to work on a large-scale farming in the Bahamas islands in 1957,” which resulted in increasing numbers of

<sup>303</sup> William J. Fielding et al., “The Stigma of Being Haitian in the Bahamas,” *The College of the Bahamas Research Journal*, 14 (2008): 39, [https://www.monroecollege.edu/uploadedFiles/\\_Site\\_Assets/PDF/The%20Stigma%20of%20Being%20Haitian.pdf](https://www.monroecollege.edu/uploadedFiles/_Site_Assets/PDF/The%20Stigma%20of%20Being%20Haitian.pdf).

<sup>304</sup> Dawn I. Marshal, “The Haitian Problem, Illegal Immigration to the Bahamas,” *Institute of Social and Economic Research* (September 1989): 96–99, <http://www.jstor.org/stable/pdf/2562905.pdf>.

<sup>305</sup> Source: “The Commonwealth of the Bahamas,” Bahama Hoppers, <http://www.bahamahoppers.com/pricing.html>.

<sup>306</sup> Fielding et al., “The Stigma of Being Haitian in the Bahamas,” 39–40.

immigrants, 10,000 to 20,000 from 1957 to 1969.<sup>307</sup> As a result of the trade relationship throughout the 19th and 20th centuries, subsequent waves of immigrants “including some of the Haitian educated classes began to migrate to the Bahamas for better employment” opportunities.<sup>308</sup>

Apart from the economic migration, many other factors have contributed to the Haitian people’s desire to migrate to the Bahamas and other countries. Specifically, political instability and natural disasters in Haiti have forced more Haitians to flee to neighboring countries. Haiti endures “complex political strife, successive coups d’état, authoritarian governments and international interventions that have left” an ineffective political mechanism to address population needs.<sup>309</sup> For example, as Henfield points out, “The end of the despotic Duvalier regime only intensified the efforts of Haitians to leave their native land in search of a better life for fear that the military now in charge of the country would intensify the abusive treatment.”<sup>310</sup> Additionally, political gridlock among President Jean Bertrand Aristide and his opponents have also increased the pressure on its population to flee to the United States and the Bahamas.<sup>311</sup> Most importantly, Haiti’s political and economic problems fuel both criminal and political violence, which have also contributed to the mass exodus of Haitians from their home.<sup>312</sup>

Natural disasters, on the other hand, batter Haiti with more economic devastation and triggers immigration. For example, “when the earthquake hit the capital city of Port-au-Prince and other parts of Haiti,” the country’s infrastructure collapsed, many died or

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<sup>307</sup> Darren A. Henfield, “Making the National Security Council ‘Better in the Bahamas’ to Resolve Illegal Immigration,” (master’s dissertation, Naval Postgraduate School, December 2015), 45, [http://calhoun.nps.edu/bitstream/handle/10945/47958/15Dec\\_Henfield\\_Darren.pdf?sequence=1&isAllowed=y](http://calhoun.nps.edu/bitstream/handle/10945/47958/15Dec_Henfield_Darren.pdf?sequence=1&isAllowed=y).

<sup>308</sup> Fielding et al., “The Stigma of Being Haitian in the Bahamas,” 39–40.

<sup>309</sup> Diana Thomaz, “Post-Disaster Haitian Migration,” *Force Migration Review* (May 2013): 36, <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/fragilestates/thomaz.pdf>.

<sup>310</sup> Henfield, “Making the National Security Council ‘Better in the Bahamas,’” 50.

<sup>311</sup> “Haiti: Political Concerns Could Lead to More Refugee Flow,” Stratfor, November 6, 2002, [https://www.stratfor.com/analysis/haiti-political-concerns-could-lead-more-refugee-flows?0=ip\\_login\\_no\\_cache%3Dfc9f9022ed132a3161f87ff0b9951915](https://www.stratfor.com/analysis/haiti-political-concerns-could-lead-more-refugee-flows?0=ip_login_no_cache%3Dfc9f9022ed132a3161f87ff0b9951915).

<sup>312</sup> Ibid.

became displaced.<sup>313</sup> The cost of rebuilding Haiti after the disaster reached \$14 billion.<sup>314</sup> The country could not recover from the disaster because of government corruption and an inability to secure people's basic needs during the post disaster period.<sup>315</sup> Such vulnerabilities of living and security forced Haitians to migrate to the neighboring counties of the Bahamas and the United States.

According to available statistics, by 2007, the government estimated the Haitian population in the Bahamas was roughly 75,000, "which is 25 percent of the Bahamian population."<sup>316</sup> However, in 2013, the IOM report of the Bahamas indicated that "between 20,000 and 50,000 undocumented Haitians lived in the islands of the Bahamas."<sup>317</sup> The increasing number of immigrants from Haiti poses many security threats in the Bahamas, especially to the country's social, political, and economic institutions.

## **2. Causes and Effects on National Security**

Legally, no Haitian can naturalize in the Bahamas because of the grant of permanent citizenship to all Haitians in Haiti's constitution.<sup>318</sup> As such, all Haitian migration to the Bahamas is illegal—including successive-generation immigrants. This more or less permanent illegal status confronts Haitians in the Bahamas with limited options for legitimate employment and, thus, raises the likelihood that Haitian migrants will engage in crime or worse.<sup>319</sup> This section discusses the security threats that Haitian migration poses in the Bahamas, in particular, the economic, socio-cultural, and political

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<sup>313</sup> Thomaz, "Post-Disaster Haitian Migration," 35.

<sup>314</sup> "Disasters Fuel Migration, Diaspora Fuels Economy," IRIN, February 21, 2010, <http://www.irinnews.org/news/2010/02/21/disasters-fuel-migration-diaspora-fuels-economy>.

<sup>315</sup> Michael A. Clemens, "To Help Haiti's Earthquake Victims, Change U.S. Immigration Laws," *Washington Post*, January 24, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/22/AR2010012202274.html>.

<sup>316</sup> Juan McCartney, "The Rise of the Haitian Population: Community Expands since Independence," *Nassau Guardian*, June 17, 2013, [http://www.thenassauguardian.com/index.php?option=com\\_content&id=39885:the-rise-of-the-haitian-population&Itemid=37](http://www.thenassauguardian.com/index.php?option=com_content&id=39885:the-rise-of-the-haitian-population&Itemid=37).

<sup>317</sup> Henfield, "Making the National Security Council 'Better in the Bahamas,'" 46.

<sup>318</sup> *Ibid.*

<sup>319</sup> *Ibid.*, 44-46.

threats; human trafficking, drug trafficking, and other related crimes; and the rise of terrorism and ISIS links because of Haitian immigration.

*a. Economic and Socio-Cultural Threats*

In most places, unskilled workers (Haitian immigrants) have been more attractive than native Bahamians because firms can hire undocumented workers for less pay.<sup>320</sup> As Erica Wells points out, “Haitian migrants are a source of cheap, reliable motivated labor, particular in the agricultural sector.”<sup>321</sup> However, according to statistics, 11.2 percent of the Haitian community (10,728 people) suffers from a higher rate of unemployment than non-Haitian nationals.<sup>322</sup> In other words, non-Haitian nationals earn more (4.2 percent of 143,668 persons) than Haitian nationals living in the Bahamas.<sup>323</sup>

Further, the influx of Haitian migrants puts a strain on such primary state services as education and health care. For example, according to the Department of Statistics, 42 percent of Haitian nationals have failed to obtain a high-school education and thus have poor English language ability; a lower level of educational attainment, unemployment, and poverty form major economic threats to Bahamians today.<sup>324</sup>

The official language of the Bahamas is English whereas Haitians speak French and Creole. Language, obviously, separates the two ethnic groups, which makes it easy to identify Haiti as different from the Bahamas. The disproportionate increase in the size of the Haitian community can make the nation feel threatened. For example, according to the Department of Statistics, the number of births has increased from an average of 7.2 to 13.7 per Haitian woman (1970 to 2010).<sup>325</sup> As such, an anti-migration, anti-Haitian discourse may always highlight the differences as viewed by nationalist Bahamians and

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<sup>320</sup> Henfield, “Making the National Security Council ‘Better in the Bahamas,’” 44-46.

<sup>321</sup> Erica Wells, “Heavy Haitian Burden: U.S Cables Question the Bahamas’ Capacity to Manage Illegal Immigration,” *Nassau Guardian*, June 27, 2011, [http://www.thenassauguardian.com/index.php?option=com\\_content&view=article&id=11203:heavy-haitian-burden&Itemid=27](http://www.thenassauguardian.com/index.php?option=com_content&view=article&id=11203:heavy-haitian-burden&Itemid=27).

<sup>322</sup> Fielding et al., “The Stigma of Being Haitian in the Bahamas,” 42.

<sup>323</sup> Ibid.

<sup>324</sup> Ibid., 43.

<sup>325</sup> McCartney, “The Rise of the Haitian Population.”

result in political violations due to structural discrimination and marginalization.<sup>326</sup> In other words, cultural disparity due to Haitian immigration may have a negative impact that may lead to social uprisings in the country. As Henfield identifies, Haitian immigrants in the Bahamas pose three challenges: the “ingenuity of the illegal immigrants in staying under cover, the connivance of the Bahamian employers who welcomed workers who toiled hard for low wages, and the sentiments of Bahamian black liberals.”<sup>327</sup> As such, these similarities may continue to encourage the nomadic activities of Haitians in the Bahamas.

***b. Political Threats***

As the UN Caribbean Development and Cooperation Committee identifies, “The large number of Haitians pose a threat to the ethnic and cultural homogeneity with which Bahamians perceived their country.”<sup>328</sup> In other words, it is claimed that the Haitian migrants are rife with illiteracy, promoting crimes and other illegal activities. On the other hand, the Bahamas national security strategy concern two aspects of Haitian immigration. First, Haitian immigrants are aggressive and pose threats to the Bahamian culture. Second, the Bahamians believe that Haitians are a politically motivated people who might become a political threat to the country.<sup>329</sup> As Henfield points out, due to the lack of political efforts by the government to prevent illegal immigration from Haiti, the people of the Bahamas believe that Haitians will take over their country with minimum effort.<sup>330</sup>

Even though Bahamians have not experienced any terrorist activities, terrorist acts could take place on any of the islands that form the Bahamas. After “Al Qaeda’s attacks on the American homeland in 2001, security issues become even more critical when one

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<sup>326</sup> Fielding et al., “The Stigma of Being Haitian in the Bahamas,” 46–48.

<sup>327</sup> Henfield, “Making the National Security Council ‘Better in the Bahamas,’” 50.

<sup>328</sup> Ibid.

<sup>329</sup> Wells, “Heavy Haitian Burden.”

<sup>330</sup> Henfield, “Making the National Security Council ‘Better in the Bahamas,’” 43.



considers the possible use of Caribbean maritime domain to attack the United States.”<sup>331</sup> For example, “an airliner hijacked after departure from an airport” in the Bahamas could reach South Florida in little time.<sup>332</sup> Similarly, terrorists could “sabotage or seize control of a cruise ship after the vessel” passes the maritime boundary of the Bahamas and use it to attack the United States.<sup>333</sup> As such, the government of the Bahamas must address not only the internal security aspects of the country but regional security as well.<sup>334</sup>

*c. Criminal Activities*

Human trafficking, the second-most profitable crime in the world, has been growing due to illegal immigration to the Bahamas in recent years. The Bahamas is a hub for human trafficking “from the Caribbean region, Central and South America due to its geographical location, its close proximity to the United States and coastal borders.”<sup>335</sup> Criminals and migrant smugglers use the Bahamas as a “major transit country to enter the United States”; however, smugglers have dropped most victims in the Bahamas rather than transporting them to the United States, which ultimately makes them vulnerable to trafficking and irregular entry to the country.<sup>336</sup> As the report notes, passengers must pay more than \$5,000 to the smugglers for transportation to the United States through the Bahamas.<sup>337</sup> Most of them have been identified as migrants of Haiti, China, Jamaica, and

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<sup>331</sup> “The Impact of Immigration on Caribbean Microstates,” UN Economic Commission for Latin America and the Caribbean, 25.

<sup>332</sup> Henfield, “Making the National Security Council ‘Better in the Bahamas,’” 26.

<sup>333</sup> Stephen E. Flynn and Anthony Bryan, “Terrorism, Porous Borders, and Homeland Security: The Case for U.S.–Caribbean Cooperation,” Council on Foreign Relations, October 21, 2001, <http://www.cfr.org/border-and-port-security/terrorism-porous-borders-homeland-security-case-us-caribbean-cooperation/p4844>.

<sup>334</sup> Henfield, “Making the National Security Council ‘Better in the Bahamas,’” 54.

<sup>335</sup> Office of the High Commissioner, “Report of the Special Rapporteur on Trafficking in Persons, Especially Woman and Children,” <http://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx>.

<sup>336</sup> *Ibid.*

<sup>337</sup> Office of the High Commissioner, “Report of the Special Rapporteur on Trafficking in Persons, Especially Woman and Children.”

the Philippines.<sup>338</sup> By contrast, the scale of trafficking is difficult to calculate because many details are unavailable and access to government surveys is limited.<sup>339</sup>

At present, the Bahamas has not achieved a minimum standard to address the existing trafficking issue; however, as Michel Lohmuller points out, the government of the Bahamas received \$2.75 million from the U.S. government “to enhance the capabilities of the Royal Bahamas Police Force to support drug demand reduction,” especially to enhance the capabilities of the institution of combating trafficking.<sup>340</sup> However, due to a lack of policies and strategies to counter transnational crimes, the Bahamas has become a potential hub for criminal activities that leads to an increase in other crimes like drug trafficking, and homicide in the country.

Apart from human trafficking due to illegal immigration, drug trafficking and homicide are peaking in present-day Bahamas. According to the *Nassau Guardian*, “With over 700 islands spread across thousands of miles of water, the Bahamian coastal line provides innumerable opportunities to smuggle drugs, weapons and humans.”<sup>341</sup> For example, in 2012, “345 pounds of cocaine worth \$2.5 million [was] found at North West Cay, off Great Inagua.”<sup>342</sup> Similarly, not only the Bahamian territorial waters but also the airspace of the Bahamas is used for drug transportation. In 2012, the Bahamas was recognized as “a major drug transit and a major illicit drug producing nation by the United States.”<sup>343</sup> As a police report noted, police arrested a trafficker with “50 pounds of cocaine at the Lynden Pindling International Airport” in the Bahamas; as a result,

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<sup>338</sup> Michael Lohmuller, “Bahamas Gets Helps to Combat Human Trafficking,” *Insight Crimes*, April 29, 2015, <http://www.insightcrime.org/news-briefs/bahamas-gets-help-to-counter-human-trafficking>.

<sup>339</sup> Office of the High Commissioner, “Report of the Special Rapporteur on Trafficking in Persons, Especially Woman and Children.”

<sup>340</sup> Lohmuller, “Bahamas Gets Helps to Combat Human Trafficking.”

<sup>341</sup> “Drug Trafficking via Bahamas,” *Nassau Guardian*, September 6, 2012, [http://www.thenassauguardian.com/index.php?option=com\\_content&view=article&id=33897:drug-trafficking-via-the-bahamas&catid=48:editorial&Itemid=87](http://www.thenassauguardian.com/index.php?option=com_content&view=article&id=33897:drug-trafficking-via-the-bahamas&catid=48:editorial&Itemid=87).

<sup>342</sup> *Ibid.*

<sup>343</sup> “Bahamas Country Profile,” International Security Sector Advisory Team, last modified September 1, 2015, <http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Bahamas-Country-Profile>.

Customs and Border Protection personnel have continued to crack down on smugglers to prevent such crimes.<sup>344</sup>

Severe failures of security and justice institutions have taken place in the Bahamas; illegal immigration and other crime rates have increased since 2001.<sup>345</sup> According to available statistics, the rate more than doubled from 14.3 murders per 100,000 inhabitants in 2007 to 37 per 100,000 in 2011.<sup>346</sup> As the Bahamas country profile highlights, the country experiences more than twice the number of annually recorded homicides, which include immigrants and Bahamians.<sup>347</sup> Moreover, illicit fire arms transportation in the Bahamas due to illegal immigration pose many challenges to law enforcement agencies. Further, the country's transit points have been in demand for the transnational arms trade because of its attractive geographical features; thus, the illegal arms trade contributed to number of homicides committed by firearms by 74 percent in 2011.<sup>348</sup> Therefore, the Bahamians perceive that the country "must press forward in the fight to combat illegal immigrants" as well as trafficking of humans, drugs and illicit weapons to minimize the crime rates in the country.<sup>349</sup>

### **3. Measures Taken by the Government of Bahamas**

The subjects of illegal immigration, the increase in crime rates, and securitization are sensitive issues in the Bahamas. Moreover, an increase in population, the rise in crime rates, and the cost of detention facilities and deportation are major concerns of the government of the Bahamas and the people of the country. Some islands in the Bahamas have been a nexus of increased immigration flow and increased crimes rates.<sup>350</sup> As such, the policies and strategies of the Bahamas focus mainly on combating irregular immigration and preventing crimes in the country.

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<sup>344</sup> "Drug Trafficking via Bahamas," *Nassau Guardian*.

<sup>345</sup> "Bahamas Country Profile," International Security Sector Advisory Team.

<sup>346</sup> *Ibid.*

<sup>347</sup> *Ibid.*

<sup>348</sup> *Ibid.*

<sup>349</sup> "Drug Trafficking via Bahamas," *Nassau Guardian*.

<sup>350</sup> *Ibid.*

**a. *Immigration Policies and Act***

Comprehensive immigration policies are important for preventing the illegal flow of immigrants and absorbing economic immigrants into the country. The Bahamas' immigration policy is based on the 1928 Immigrants Act and its amendments together with the immigration rules made under the Act of 1939.<sup>351</sup> Further, "the Immigration Act of 1967 includes provisions on entry, residence, transit, and the exit of migrants."<sup>352</sup> However, tourists and foreigners can enter and exit the Bahamas with less formality and can prolong their stay with the approval of the government of the Bahamas.<sup>353</sup> Moreover, policies applying to permanent residents and economic migrants are also included under immigration rules. For example, permanent residency status includes the right to work with an annual permit obtained from the government; in addition, this permit facilitates ownership of Bahamian land as a permanent resident, which requires only registration and not a land permit.<sup>354</sup>

Similarly, the Bahamas Immigration Act granted migrants economic permanent residency while maintaining flexible immigration policies to make it easy for economic migrants to live and work in the Bahamas.<sup>355</sup> However, to minimize illegal immigration, the government of the Bahamas imposed the following criteria: the migrant applicant must have no criminal record and must purchase property valued at \$500,000 or more or have a beneficial interest in a business that supports the labor employment of the Bahamas.<sup>356</sup>

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<sup>351</sup> Marshal, "The Haitian Problem, Illegal Immigration to the Bahamas," 96–99. For further information on the Bahamas Immigration Act, visit [http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1967/1967-0025/ImmigrationAct\\_1.pdf](http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1967/1967-0025/ImmigrationAct_1.pdf).

<sup>352</sup> "Bahamas: Immigration Act," Refworld, <http://www.refworld.org/docid/3ae6b4fd18.html>.

<sup>353</sup> Williams Fidulex, "The Advantages of Bahamas Immigration Status," HG. org, <https://www.hg.org/article.asp?id=18930>.

<sup>354</sup> Ibid.

<sup>355</sup> K. Quincy Parker, "Bahamas to Amend Economic Immigration Policy," *Nassau Guardian*, February 17, 2016, <http://www.thenassauguardian.com/bahamas-business/40-bahamas-business/62788-bahamas-to-amend-economic-immigration-policy>.

<sup>356</sup> Ibid.

Nevertheless, due to the influx of immigrants, some immediate actions have been undertaken by the government of the Bahamas to prevent illegal immigration. According to *Bahamas Weekly*, people who do not have the legal status to work in the Bahamas or plan to apply for a work permit will “be refused and the applicant will be arrested, charged and deported.”<sup>357</sup> As the article notes, all amended policies are to minimize the criminality associated with immigration, safeguard the borders, and protect Bahamians.

***b. Legal Policy and Institutional Framework for Combating Trafficking in Persons***

The government of the Bahamas has ratified the following acts and legal policies proposed by the United Nations: the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children; the United Nations Convention against Transitional Organized Crime; and the Convention on the Elimination of all forms of Discrimination against Women by the International Labor Organization.<sup>358</sup> In 1993, the government of the Bahamas even agreed to the 1951 Refugee Convention and its 1967 Protocol. However, so far, there is no “framework to implement the convention;” therefore, the Bahamas’ responses to these issues are ad-hoc and provide limited access to jurisdiction.<sup>359</sup>

Human trafficking legislation, on the other hand, “protect[s] individuals from inhuman and degrading treatment (Art.17) and prohibit[s] slavery, labor forcing and forced transportation of people (Art.18)” from its constitution.<sup>360</sup> The Bahamas ratified the protocols under the UN’s Trafficking in Persons (Prevention and Suppression) act that accepts the definition of trafficking and criminal offence in the Trafficking Act of

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<sup>357</sup> Fred Mitchell, “Hon. Fred Mitchell Statement on New Bahamas Immigration Policies,” *Bahamas Weekly*, September 18, 2014, [http://www.thebahamasweekly.com/publish/bis-news-updates/House\\_statement\\_by\\_Foreign\\_Affairs\\_Minister\\_Hon\\_Fred\\_Mitchell\\_on\\_new\\_Immigration\\_policies37045.shtml](http://www.thebahamasweekly.com/publish/bis-news-updates/House_statement_by_Foreign_Affairs_Minister_Hon_Fred_Mitchell_on_new_Immigration_policies37045.shtml).

<sup>358</sup> Office of the High Commissioner, “Report of the Special Rapporteur on Trafficking in Persons, Especially Woman and Children.”

<sup>359</sup> *Ibid.*

<sup>360</sup> Office of the High Commissioner, “Report of the Special Rapporteur on Trafficking in Persons, Especially Woman and Children” For further information about Articles 17 and 18, please see “The Constitution of the Commonwealth of the Bahamas,” Government of Bahamas, [https://www.oas.org/juridico/mla/en/bhs/en\\_bhs-int-text-const.pdf](https://www.oas.org/juridico/mla/en/bhs/en_bhs-int-text-const.pdf).

2007.<sup>361</sup> Accordingly, the anti-trafficking legislation defines trafficking as the “unlawful withholding of identification papers, transportation of a person for the purpose of exploitation, including commercial sexual exploitation, forced labor, practices similar to slavery, and the illicit removal of organs.”<sup>362</sup> Moreover, the government of the Bahamas relies on prevention, suppression, and punishment of traffickers under the legal framework of combatting human trafficking.<sup>363</sup> Many attempts have been made by the government of the Bahamas to implement policies to prevent trafficking; however, these attempts merely reflect the country’s needs for a comprehensive border security unit to cover a larger area of trafficking sites on the islands.

The Bahamas has continued to combat drugs and counter drug-related crimes due to illegal immigration within and outside the country. Further, the Bahamas became the first country to ratify the UN drug convention of 1988.<sup>364</sup> Bahamian and American anti-drug institutions and officials work very closely in the maritime and the air domains to combat drug trafficking. Bahamas has also continued to strengthen its judiciary system with the assistance of the U.S. government especially to “reduce the delay in the prosecution of criminals, and drug cases pending in the courts.”<sup>365</sup> Furthermore, the United States and the Bahamas signed a bilateral treaty for maritime counternarcotic cooperation in May 1996 to minimize drug trafficking and crimes related to immigration within the country and the region.<sup>366</sup> Still, considering the Bahamas’ restrictions on illegal immigrants and the crimes committed, the Bahamas must revise and introduce new policies to prevent the illegal flow of immigrants and minimize such crimes committed by them in the future.

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<sup>361</sup> The Advocates, “Report of the Special Rapporteur on Trafficking in Persons, Especially Woman and Children,” December 2014, [http://www.stopvaw.org/un\\_special\\_rapporteur\\_on\\_trafficking\\_in\\_persons\\_es\\_2](http://www.stopvaw.org/un_special_rapporteur_on_trafficking_in_persons_es_2).

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> Javier A. Rivera, “Crime and Society,” A Comparative Criminology Tour of the World, <http://www-rohan.sdsu.edu/faculty/rwinslow/namerica/bahamas.html>.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

*c. Counterterrorism Strategy*

Although the Bahamas has not experienced any terrorist attacks, the Bahamians are leaders in combating terrorism, especially coordinating with the regional and the private sectors.<sup>367</sup> At present, the Bahamas holds the Vice Chair of the Inter-American committee against Terrorism. As *Bahamas Local.com* points out, the Bahamas' security strategy includes "mutual and effective information sharing, knowledge and experience through joint coordinated action to improve and implement measures to prevent terrorism."<sup>368</sup> Additionally, the country has passed measures to enhance the role of the UN system in countering terrorism.

**C. ANALYSIS**

India and the Bahamas have faced many challenges due to an influx of immigrants. In the Indian context, the migration and refugee phenomenon with Bangladesh has roots so deep that the problem cannot be solved overnight. The situation also shows that unless the sending country cooperates, "the problem of illegal migration cannot be effectively solved."<sup>369</sup> On the other hand, to minimize immigration and crime, some tough measures by India and Bangladesh should also be considered. For example, border fencing has become one of the major issues for both countries, which need a very high security alert along the border. A large number of border security forces have been deployed along the Indian–Bangladeshi border; however, limited resources, large gaps, and no fences fail to stop the infiltration effectively. Besides those tangible measures, it requires scrutinizing the security mechanism and the religious commitment in the political framework because the nation's attitude and corrupt border security often support transnational crimes such as human trafficking, drug trafficking, and cross-border terrorism, especially in the Assam region in India.

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<sup>367</sup> "Bahamas: Public–Private Partnership on Counterterrorism," *Bahamas Local.com*, November 5, 2009, [http://www.bahamaslocal.com/newsitem/983/Bahamas\\_PublicPrivate\\_Partnership\\_On\\_Counterterrorism.html](http://www.bahamaslocal.com/newsitem/983/Bahamas_PublicPrivate_Partnership_On_Counterterrorism.html).

<sup>368</sup> *Ibid.*

<sup>369</sup> Sharma and Bhushan, "Illegal Immigration of Bangladeshis into India."

Terrorism and extremism in India, on the other hand, have haunted Indian policy-makers since independence. Underground terrorism and extremism operating in India has raised serious concern; the Indian experience in combating insurgency and terrorism requires a more coherent counterterrorism policy because conducting illegal activities and terrorism is not the motive of all immigrants.

The issue of migration must also be judged from the human angle by both countries because not every migrant poses a threat to national security.<sup>370</sup> The introduction of a work-permit system based on economic requirements will help secure an efficient work force for the country. For example, the Bahamas' newly introduced policy is a good start for integrating economic immigrants to the labor market. Such immigrants would not have political rights or the right to acquire property. The advantage of this system, backed by the law, would be its ability to identify a large number of illegal immigrants and turn them into productive economic workers.

The crime rates in the Bahamas reflect the state's need for effective policies to address irregular immigration. The Bahamas needs a proper monitoring system through border control management and the homeland security department to control irregular immigrant movements, which also prevent the trafficking of drugs and humans. Similarly, information sharing with other countries is essential for cracking down on the flow and the route of smuggling and trafficking rings. Further, a monitoring system through border control should strengthen regional cooperation to combat human and drug trafficking in both India and the Bahamas, within the states and regions, and beyond.

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<sup>370</sup> Sharma and Bhushan, "Illegal Immigration of Bangladeshis into India."



## **IV. ANALYSIS AND RECOMMENDATIONS**

In post-conflict Sri Lanka, many refugees from Tamil Nadu and Tamils from Western countries are returning. Absorbing economic immigrants and preventing illegal immigration is a burning issue for Sri Lanka. As such, this chapter analyzes policies and security concepts of Sri Lanka as well as the two comparison cases, India and Bahamas. It derives recommendations to apply in Sri Lanka, especially in the form of immigration laws, policies, and border security management, which include domestic and international measures to stop illegal flow of immigrants. Finally, the chapter puts forward counterterrorism concepts and strategies, including domestic and international coordination, to prevent acts of terrorism and extremism and criminal activities in Sri Lanka.

### **A. IMMIGRATION LAWS, POLICIES, AND BORDER SECURITY MANAGEMENT**

Any strategy to deal with illegal immigration needs two essential elements: measures to prevent the flow of illegal immigrants and counter-measures after infiltration.<sup>371</sup> Moreover, vast open borders with large-scale logistic requirements to maintain its forces and many illegal infiltrations due to gaps in the security system have put more pressure on border security forces in these countries. To address this challenge, initial steps must be taken to identify illegal immigrants because of the large number of undocumented immigrants residing in Sri Lanka without proper identification. As such, the first stage should identify inland undocumented immigrants; the next stage should calculate the flow of illegal immigration; and the final stage will restrict their movement.

#### **1. Domestic Control Measures**

Illegal immigration has now become a domestic policy issue because illegal immigrants pose many social, political, and economic threats to receiving states. The immigration issue continues to grow, and the country must adopt some measures to

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<sup>371</sup> Sharma and Bhushan, "Illegal Immigration of Bangladeshis into India."

absorb economic immigrants while preventing illegal immigrants from entering the country.

*The introduction of a work-permit system* based on the state's economy will synchronize the flow of economic migrants and differentiate undocumented, unskilled immigrants from skilled immigrants.<sup>372</sup> At present, Sri Lanka does not issue work permits for economic immigrants; however, the government of Sri Lanka has introduced immigration policies to prevent illegal immigration and allow legal entry for immigrants through a working visa system.<sup>373</sup> The aim of a work-visa system is to create more job opportunities and at the same time accommodate highly skilled economic immigrants.<sup>374</sup> However, the work-visa system in Sri Lanka is often associated with more unskilled than skilled immigrants, and the system does not create any job opportunities or improve economic conditions in the country.<sup>375</sup>

India's work-permit scheme, based on skilled labor, has effectively controlled the illegal immigrant flow into the country.<sup>376</sup> The Indian work-permit system is effective and ensures efficiency of skilled economic immigrants because the system guarantees that only trained people come in and jobs have limited duration.<sup>377</sup> Further, a work-permit system can monitor and be reviewed within the organization and suspend or repatriate any worker under performativity.<sup>378</sup> The work-permit system in India not only controls immigration but also absorbs skilled laborers and uplifts the country's economy.

Like India, the Bahamas also employs a work-permit system. The Bahamian system is similar to India's, but in terms of immigration policy, it is completely

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<sup>372</sup> Sharma and Bhushan, "Illegal Immigration of Bangladeshis into India."

<sup>373</sup> For details on Sri Lankan employment visas, visit <http://www.immigrationlanka.com/Info-2-4.html>.

<sup>374</sup> Sharma and Bhushan, "Illegal Immigration of Bangladeshis into India."

<sup>375</sup> Ross Eisenbrey, "H-1B Visas Do Not Create Jobs or Improve Condition of U.S. Workers," *Economic Policy Institute*, May 18, 2015, <http://www.epi.org/blog/h-1b-visas-do-not-create-jobs-or-improve-conditions-for-u-s-workers/>.

<sup>376</sup> Sharma and Bhushan, "Illegal Immigration of Bangladeshis into India."

<sup>377</sup> Volker Poelzl, "The Lowdown on Work Permits Abroad," *Transition Abroad*, May 2016, <http://www.transitionsabroad.com/listings/work/articles/work-permits-abroad.shtml>.

<sup>378</sup> *Ibid.*

nationalistic.<sup>379</sup> In other words, according to the new policy, “no foreign immigrants may be offered a job that a skilled Bahamian is qualified to do.”<sup>380</sup> Similarly, a newly introduced policy on illegal immigrants (November 1, 2014) augments the work-permit system in the country and specifies “every non-Bahamian living in the country has to have a passport of their nationality with proof of their status to live and work in the Bahamas.”<sup>381</sup>

Adopting an immigration policy similar to that of India and the Bahamas with a work-permit system would facilitate absorbing skilled labor and minimizing unwanted immigration. As such, Sri Lanka must incorporate a work-permit system into the country to better account for skilled immigrants and prevent unskilled labor into the country—especially when signing the ETCA with India will become another impending economic issue in terms of immigration.<sup>382</sup>

*The introduction of a photo identity link to personal information and a biometric fingerprinting program would distinguish legal and illegal immigrants.*<sup>383</sup> For Sri Lanka, identity management is vital for preventing human smuggling, trafficking, and cross-border terrorism.<sup>384</sup> As such, large-scale migration around the world requires a wide computer-based identification system for citizens and immigrants, especially for workers and temporary immigrants to distinguish legal from illegal immigrants in the country.<sup>385</sup> Most countries use photo identity cards to identify their citizens. Similarly, Sri Lanka

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<sup>379</sup> “Immigration Laws and Work Permits,” Bahamas Guide, <http://thebahamasguide.com/facts/immigration-work-permits/>.

<sup>380</sup> Ibid.

<sup>381</sup> Ava Turnquest, “Legislation for Immigration Policy Tabled in Parliament,” *Tribune* 242, February 26, 2015, <http://www.tribune242.com/news/2015/feb/26/legislation-immigration-policy-tabled-parliament/>.

<sup>382</sup> “Trade Chamber Welcomes ETCA,” *Economic Times*.

<sup>383</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

<sup>384</sup> Giuseppe Crocetti, “Sri Lanka Moves towards Implementation of Biometric Fingerprint Program,” International Organization for Migration, July 30, 2014, 2016, <http://srilanka.iom.int/iom/?q=pbn/sri-lanka-moves-towards-implementation-biometric-fingerprint-programme>.

<sup>385</sup> John J. Miller and Stephen Moore, *A National ID System: Big Brother’s Solution to Illegal Immigrants* (Policy Analysis no. 237) (Washington, DC: Cato Institute, September 7, 1995), Executive Summary, <https://www.cato.org/pubs/pas/pa237.html>.

introduced photo identity cards in 1972 for its citizen and permanent residents.<sup>386</sup> However, in post-conflict Sri Lanka, the national identity card has now become an issue in the North and East provinces because many people either lost or damaged their identity cards during the war.<sup>387</sup> Above all, many Tamil Nadu refugees and asylum-seekers face difficulties upon arrival because of they lack evidence to prove their citizenship in Sri Lanka.<sup>388</sup>

India has also introduced an identity card system to identify its citizens and permanent residents. However, to identify illegal immigrants, India has introduced a “voluntary registration with designated authorities” to encourage illegal immigrants to register and apply for asylum, work permits, or permission to stay and work for certain durations with some monitory allowances.<sup>389</sup> After the detection process is completed, such immigrants are issued an “Aadhaar card” based on a unique identification number for better identification.<sup>390</sup> So far, India has managed to identify 10 million migrants, collect biometric information under Aadhaar, ensure the security of citizens, and minimize the illegal flow of immigrants.<sup>391</sup>

The Bahamas’ new policy for a national identity card included a national insurance number, birth certificate data, a passport number, and biometrics linked to personal details to handle illegal immigration.<sup>392</sup> Further, according to the Bahamas’ immigration minister, non-nationals living in the Bahamas must prove their identity to

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<sup>386</sup> “Sri Lanka: The National Identity Card (NIC); Its Assurance Cost, Validity Period, Security Features and Description of Front and Back Card,” Refworld, April 8, 2008, <http://www.refworld.org/docid/4829b5571a.html>.

<sup>387</sup> “Sri Lanka’s Tamil Face Identity Crisis,” *BBC News*, June 28, 2012, <http://www.bbc.com/news/world-asia-india-18261375>.

<sup>388</sup> *Ibid.*

<sup>389</sup> Sanjeev Tripathi, “Illegal Immigration from Bangladesh to India: Toward a Comprehensive Solution,” *Carnegie India*, June 29, 2016, <http://carnegieindia.org/2016/06/29/illegal-immigration-from-bangladesh-to-india-toward-comprehensive-solution-pub-63931>.

<sup>390</sup> “Aadhaar Can Be Used to Identify Illegal Migrants: SC,” *Times of India*, February 5, 2014, <http://timesofindia.indiatimes.com/india/Aadhaar-can-be-used-to-identify-illegal-migrants-SC/articleshow/29874774.cms>.

<sup>391</sup> *Ibid.*

<sup>392</sup> “National ID Cards Eyed in Illegal Migration Flight,” *Bahamas Local.com*, January 15, 2014, [http://www.bahamaslocal.com/newsitem/90274/National\\_ID\\_card\\_eyed\\_in\\_illegal\\_migration\\_fight.html](http://www.bahamaslocal.com/newsitem/90274/National_ID_card_eyed_in_illegal_migration_fight.html).

work and stay in the Bahamas.<sup>393</sup> Additionally, in the case of stateless persons, the government of the Bahamas provides an identity card connected to biometrics to distinguish between legal and illegal immigrants.<sup>394</sup>

Most developed countries have the capacity to identify their citizens with photo identity cards connected to personal information in one or more databases. Such a system greatly helps to identify people within Sri Lanka. The integration of an identity card system with personal information and biometric fingerprints will enhance the border control mechanism, prevent cases of trafficking and smuggling, and provide a more transparent process at borders to protect from irregular immigrants.

*Reliable border-security management system.* The integrity of borders is a problem for a country because ineffective control management eases illegal entry and creates various obstacles to legal entry.<sup>395</sup> Sri Lanka's borders allow greater illegal infiltration because the island nation affords numerous safe landing points. As such, the country at present has experienced drug trafficking, human smuggling, and cross-border terrorism. The Immigrants and Emigrants Act No. 20 of 1948 "provided comprehensive regulation of the flow of persons to and from the country."<sup>396</sup> In other words, the 1948 law describes the eligibility to enter the country and categories of people who are not eligible to enter the country.<sup>397</sup> However, border management and security officials must carefully analyze illegal immigrant flow because limited exits allow passengers to arrive and depart from Sri Lanka, namely the Bandaranaike International Airport in Katunayake and the Mattala International Airport in Hambanthota; however, Colombo and

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<sup>393</sup> "Bahamas Takes a Stand against Illegal Immigrants," *Caribbean 360*, October 24, 2014, <http://www.caribbean360.com/news/bahamas-takes-a-stand-against-illegal-immigrants>.

<sup>394</sup> Ibid.

<sup>395</sup> Demetrios G. Papademetriou and Elizabeth Collett, *A New Architecture for Border Management* (Washington, DC: Migration Policy Institute, March 2011), 3, <http://www.migrationpolicy.org/research/TCM-new-architecture-border-management>.

<sup>396</sup> Gunasekara, "Development of International Migration Statistics," 3. For further information on the Immigrants and Emigrants Act, please see Laws of Sri Lanka, "Immigrants and Emigrants Act," Blackhall Publishing, <http://srilankalaw.lk/Volume-IV/immigrants-and-emigrants-act.html>.

<sup>397</sup> "Sri Lanka (279)," International Labor Organization, [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=37386&p\\_country=LKA&p\\_count=279](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=37386&p_country=LKA&p_count=279).

Trincomalee harbors are rarely used by travelers.<sup>398</sup> Limited exit and entry points restrict access to legal immigration but allow access to illegal infiltration because of the large number of illegal landing sites. Open borders around the island facilitate illegal immigration, trafficking, smuggling, and cross-border terrorism.<sup>399</sup>

In India, the land border with Bangladesh is vital for illegal infiltration even though India deploys a large border security force there.<sup>400</sup> The border-control issue in Assam-Bangladesh first came after the partition of East Pakistan and West Pakistan in 1971, which resulted in millions of illegal immigrants fleeing to India.<sup>401</sup> So far, limited resources and large gaps in border fences have failed to effectively prevent illegal infiltration.<sup>402</sup> However, with the increase of illegal immigrants from Bangladesh, the government of India has improved its border-security management system with new technology, such as infrared sensors and cameras, to detect people before they reach shore along the border.<sup>403</sup> Nevertheless, besides those tangible measures—physical troop deployment and high-tech monitoring systems—border control requires proper political commitment. Notably, some political parties in the Assam state often support and encourage illegal immigration to retain political power.<sup>404</sup> As such, with political leverage, corrupt border security often supports illegal immigrant crossings, which increase transitional crimes such as human trafficking, drug trafficking, and cross-border terrorism, especially in the Assam region in India.<sup>405</sup>

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<sup>398</sup> Gunasekara, “Development of International Migration Statistics,” 11.

<sup>399</sup> V. Vivekanandan, “Crossing Maritime Borders: The Problem and Solution in Indo-Sri Lankan Context,” <http://eranga123.blogspot.com/p/crossing-maritime-borderthe-problem.html>.

<sup>400</sup> Dutta and Das, “An Inquiry into the Problem of Illegal Migration.”

<sup>401</sup> Ikhtisad Ahmed, “Why Religious Fundamentalism and not Immigration Is the Real Problem on the Assam–Bangladesh Border,” *Scroll*, May 28, 2016, <http://scroll.in/article/808857/why-religious-fundamentalism-and-not-immigration-is-the-real-problem-on-the-assam-bangladesh-border>.

<sup>402</sup> Ibid.

<sup>403</sup> Tripathi, “Illegal Immigration from Bangladesh to India.”

<sup>404</sup> Raj Bhavan “Illegal Migration into Assam,” November 8, 1998, [http://www.satp.org/satporgrp/countries/india/states/assam/documents/papers/illegal\\_migration\\_in\\_assam.htm](http://www.satp.org/satporgrp/countries/india/states/assam/documents/papers/illegal_migration_in_assam.htm).

<sup>405</sup> Sanjay Bhardwaj, “Illegal Bangladesh Migration: Evaluating India-Bangladesh Approaches,” *CLAWS Journal* (Winter 2014): 70, [http://www.claws.in/images/journals\\_doc/2042080227\\_SanjayBhardwaj.pdf](http://www.claws.in/images/journals_doc/2042080227_SanjayBhardwaj.pdf); and Kumar, “Illegal Bangladesh Migration to India,” 115.

The immigration issues in the Bahamas resemble those of India. In the Bahamas, the issue reflects the need for a proper monitoring system through border control management to prevent illegal immigrants from the Caribbean Ocean because so many islands—700 islands, of which only 30 are inhabited—require surveillance. As the Minister of Immigration and Emigration points out, the Bahamas border-control system is augmented with biometrics and the INTERPOL system to check immigrants using the best technological practices available.<sup>406</sup> Such efforts have subsequently prevented the trafficking of drugs and humans. Similarly, information sharing with other countries is essential for cracking down on the flow and routes of smuggling and trafficking rings.<sup>407</sup>

Sri Lanka must maintain the integrity of its border-security management system, which must be augmented with increased resources for prevention including additional staff to handle improved technology—sensors, infrared scopes, and data systems—and a proper training system for border control and security officers, which includes strategies that make border control and security management systems operate proficiently.

*Installation of proper scanning systems in Airports and seaports.* Sri Lanka has become a transit hub for all criminal activities because of a lack of proper scanning systems. Most issues—especially drug trafficking, money laundering, and terrorist movement—happen at entry and exit points on the coast and at airports in Sri Lanka.<sup>408</sup> The lack of a screening system at airports allows immigrants to move freely. Such lapses in strategically important places in Sri Lanka have increased the number of illegal immigrants crossing into the country to transport drugs and support other criminal activities.

India and the Bahamas, on the other hand, have these security systems in place. India has installed the most advanced scanning system—including the “millimeter-wave

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<sup>406</sup> K. Quincy Parker, “Immigration Request New Border Control System,” *Nassau Guardian*, November 10, 2014, <http://www.thenassauguardian.com/bahamas-business/40-bahamas-business/51627-immigration-requests-new-border-control-systems>.

<sup>407</sup> Ibid.

<sup>408</sup> “Sri Lanka has Become a Hub for Drug Trade, Trafficking of Heroin Steadily Increasing - NDDCP,” *Colombo Page*, March 7, 2016, [http://www.colombopage.com/archive\\_16A/Mar07\\_1457363051CH.php](http://www.colombopage.com/archive_16A/Mar07_1457363051CH.php).

technology based full body scanners”<sup>409</sup>—in airports and seaports in the wake of successful attacks carried out by terrorists in major cities of India. The use of new technologies expedites the inspection process and improves law enforcement. As such, a proper scanning system with advanced technological devices is critical for identifying such traffickers and terrorists at entry and exit points. Hence, such a system must be incorporated into Sri Lankan border control, and the laws of the country need to be revised accordingly to exact maximum punishment for such offenses as trafficking, smuggling, and terrorism.

## **2. International Coordination**

International coordination to prevent illegal immigration is especially important in bi-lateral agreements on information sharing. Additionally, multilateral partnerships among sending, receiving, and transit countries need to be established for the border management system. As such, this section discusses international coordination for information sharing; preventive measure agreements in trafficking, smuggling, and cross-border terrorism; and other agreements in the immigration and border-control process.

*International coordination with neighboring countries and the country of origin of immigrants.* Collecting data about human smuggling, drug trafficking, and trans-border and international terrorism is important for cracking down on illegal immigrants and terrorists.<sup>410</sup> Many incidents in Sri Lanka have occurred because of a lack of critical information shared by bordering countries—especially information on diaspora activities and immigrants, the link between diaspora and Tamil Nadu criminal activities and other extremist activities. As a result, criminal activities have increased inside the country. For example, immigrants cross the coast illegally from India because of the specific illegal landing points at Mannar, Jaffna and Negambo. According to Sri Lanka’s police reports, the police have intercepted 89 vessels engaged in human smuggling since 2009, but very

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<sup>409</sup> For further information, see “AAI Plans to Install Full-Body Scanners at 2 Airports in India,” *Times of India*, December 1, 2013, <http://timesofindia.indiatimes.com/india/AAI-plans-to-install-full-body-scanners-at-2-airports-in-India/articleshow/26681474.cms>.

<sup>410</sup> Cassandra Doole, “Sri Lanka: Heroin Hub?” *Roar lanka*, April 9, 2016, <http://roar.lk/reports/sri-lanka-heroin-hub/>.



few boats have been captured so far because of a lack of information sharing between India and Sri Lanka.<sup>411</sup>

Cooperation and coordination with neighboring countries is critical for preventing the illegal flow of men and materials. As Demetrios G. Papademetriou and Elizabeth Collett explain, “International cooperation on border management over the last decade has occurred largely on ad-hoc basis, through bilateral talk opportunities and deal making or rules that place obligation on third parties.”<sup>412</sup> In other words, a lack of agreements and bi-lateral treaties among sending and receiving states and third-party involvement has complicated the immigration issue.<sup>413</sup> Greater cooperation must be established between India and Sri Lanka. So far, however, the influx of asylum seekers and refugees immigrating from India reflects an absence of coordination between India and Sri Lanka.

The India–Bangladesh and Bahamas–Haiti multilateral agreements on immigration laws and border control systems have failed to prevent illegal flows of men and material.<sup>414</sup> However, in order to minimize illegal immigrants, India contributed financial assistance to Bangladesh to improve living standards<sup>415</sup> but made no bilateral agreements to minimize immigration. In short, India created a population who belongs neither here nor there. As such, the Indian context mirrors the need for bilateral coordination with Bangladesh to prevent illegal infiltration, trafficking, smuggling, and cross-border terrorism.<sup>416</sup>

On the other hand, the Bahamas and Haiti, along with other Caribbean countries, have bilateral agreements that have decreased crime rates in the region. The U.S.–Bahamas agreement—recalling the 1974 International Convention for Safety of Life at

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<sup>411</sup> C. Dissanayake, “Sri Lankan Fishing Captains.”

<sup>412</sup> Papademetriou and Collett, *A New Architecture for Border Management*, 1.

<sup>413</sup> Ozge Bilgili and Ilire Agimi, *Supporting Immigrant Integration in Europe: What Role for Origin Countries’ Subnational Authorities?* (Brussels, Belgium: Migration Policy Institute Europe, February 2015), 7, <http://www.migrationpolicy.org/research/supporting-immigrant-integration-europe-what-role-origin-countries-subnational-authorities>.

<sup>414</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

<sup>415</sup> Kumar, “Illegal Bangladesh Migration to India,” 114.

<sup>416</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

Sea—to prevent illegal immigration, illicit trafficking in narcotic and smuggling of migrants by sea and air has yielded a more effective counter measure in border-security management.<sup>417</sup> As such, international coordination and arrangements must be put in place in Sri Lanka to enhance cooperation between states on immigration management, especially for information sharing on individuals such as biometrics, global travel based on individual profiles, and agreements such as a multilateral partnership among immigrant receiving, sending, and transit countries for better coordination.<sup>418</sup>

## **B. COUNTERTERRORISM STRATEGIES AND CONCEPTS**

Maggie Ibrahim observes, “The securitization of migration discourse has been cemented by the fear that migrants may be supporters for insurgencies,” and a potential driving force for social uprisings, extremism, and terrorist activities.<sup>419</sup> So far, Sri Lanka has passed many laws and implemented security reforms to combat terrorism. The Prevention of Terrorism Act, enacted in 1982 as a wartime measure, gives security forces “powers to search, arrest and detain individuals,”<sup>420</sup> thus restricting movement of the LTTE cells operating in Sri Lanka. However, lifting the “emergency law” in the recent past has increased insurgency and other civil movements in the North and the East. Further, apart from the lack of reforms and strategies, a lack of coordination among domestic institutions has been seen in Sri Lanka.

As discussed in previous chapters, similar patterns of terrorist movements can be observed in India and Western countries. The counterterrorism strategies of India have focused on countering the financing of terrorism and border security management to prevent and disrupt terrorism in the country. Even though India has taken many steps to prevent terrorism and extremism, such movements still haunt policy makers and make the

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<sup>417</sup> “Agreement between the Government of United States and Government of Bahamas Concerning Cooperation in Maritime Law Enforcement,” U. S. Department of State, <http://www.state.gov/documents/organization/108940.pdf>.

<sup>418</sup> Papademetriou and Collett, *A New Architecture for Border Management*, 16.

<sup>419</sup> Ibrahim, “The Securitization of Migration,” 172.

<sup>420</sup> “Country Reports on Terrorism 2013,” Sri Lanka Bureau of Counterterrorism.

country's situation worse because of a lack of political commitment while political parties seek short-term wins to retain power in the Assam region.<sup>421</sup>

## **1. Domestic Measures**

Sri Lanka must have proper domestic mechanisms to counter terrorist activities. State institutions also have an important role to play besides policy and legislative changes when countering terrorism. Therefore, this section discusses domestic measures of countering terrorism such as legislation changes, command and control, coordination functions, intelligence services, and a strategic force to react to any emergency.

*Legislative changes in the field of criminal prosecution.* The lack of legislative changes in prosecution has increased many terrorist, extremist, and criminal activities in the country. The LTTE has its own criminal network operating among the Tamil diaspora and Tamil Nadu refugees. For example, the GTF, the TGTE, and the BTF conduct their illegal activities from India and many Western countries.<sup>422</sup>

After experiencing terrorist attacks, India ratified two laws, namely the “National Investigation Agency ... act that seeks to establish a new police organization to investigate acts of terrorism,” and Unlawful Activities (prevention) Act to prevent acts of terrorism.<sup>423</sup> India has introduced laws specifically to maintain civil liberties while taking measures to prevent act of terrorism in the country.<sup>424</sup> On the other hand, the NIA act applies to terrorists and their activities, providing especially for harsh punishments—from five years to life imprisonment or a death sentence—for a person accused of act of terrorism.<sup>425</sup>

Sri Lanka must focus on new legal measures and amendments for existing measures such as anti-terrorism and anti-criminal acts in the legislation to tighten the

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<sup>421</sup> Sharma and Bhushan, “Illegal Immigration of Bangladeshis into India.”

<sup>422</sup> “A Post-War Challenge for Sri Lanka,” *Asian Tribune*.

<sup>423</sup> Praful Bidwai, “India’s New Anti-Terror Laws Draconian Say Activists,” *Countercurrent.org*, December 20, 2008, <http://www.countercurrents.org/bidwai201208.htm>.

<sup>424</sup> Bidwai, “India’s New Anti-Terror Laws Draconian Say Activists.”

<sup>425</sup> Ibid.

legal gap, especially in banning extremist religious groups that advocate terrorism, computer sabotage, use of explosives, assaults on air and sea traffic, and crimes against humanity. After lifting the “emergency law,” no laws have been passed against terrorism. As such, Sri Lanka must develop an investigative act of terrorism or an unlawful activities legislative agenda as terrorist prevention to ensure the safety of citizens.

*Establishment of a proper command-and-control structure.* At present, the lack of coordination among institutions, such as the coast guard, law enforcement, and the intelligence community, has been observed because of their different command functions.<sup>426</sup> For example, the Sri Lankan Coast Guard, established in 2009, denies maritime access to organized crime such as human smuggling and trafficking, which augments the blue-water domain of the Sri Lankan Navy.<sup>427</sup> However, the Coast Guard and the Navy fail to cooperate in terms of refugee handling, criminals, and information sharing about terrorists because of a lack of security strategy and unified command between the Sri Lanka Navy and the Coast Guard.<sup>428</sup> For example, as Global Security.Org points out, “One critical drawback had been the absence of right equipment and the waste of funds on useless arms, ammunition and equipment.”<sup>429</sup> In summary, a lack of security strategy under a unified command resulted in the duplication of the task and a waste of resources in terms of operation planning and executing.<sup>430</sup> As such, Sri Lankan law enforcement and other supporting elements should function under one unified command in an emergency situation as they do in Western countries.

India employs a different concept. India’s Department of Border security Management and other border protection forces—the Indo-Tibetan border police, Indo-

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<sup>426</sup> C. Wickramasinghe, “Reforming Security Sector to Inculcate Professionalism: An Integrated Security Policy for Sri Lanka,” paper presented at the International Research Conference, KDU, 2015, 144–147, <http://www.kdu.ac.lk/proceedings/irc2015/2015/dss-023.pdf>.

<sup>427</sup> Mitchell Sutton and Serge DeSilva-Ranasinghe, *Transnational Crimes in Sri Lanka: Future Considerations for International Cooperation* (Special Report) (Barton, Australia: Australian Strategic Policies Institute, October 2016), [https://www.aspi.org.au/publications/transnational-crime-in-sri-lanka-future-considerations-for-international-cooperation/SR94\\_Sri-Lanka.pdf](https://www.aspi.org.au/publications/transnational-crime-in-sri-lanka-future-considerations-for-international-cooperation/SR94_Sri-Lanka.pdf).

<sup>428</sup> “Sri Lanka Navy Modernization,” *Global Security. Org*, <http://www.globalsecurity.org/military/world/sri-lanka/navy-modernization.htm>.

<sup>429</sup> “Sri Lanka Navy Modernization.”

<sup>430</sup> Ibid.

Bhutan, and Border Security Forces—have been placed under the coordination of the Ministry of Home Affairs for an easy command and control function. India recognizes that divided responsibilities and tasks under different commands in a crisis do not achieve effective results.<sup>431</sup>

Sri Lanka must establish one unified command system to delegate power and avoid duplication of tasks. A strategic institution like the Department of Homeland Security must be established in Sri Lanka to coordinate all elements (law enforcement forces, border control officials, and intelligence community) to react effectively during any emergency.<sup>432</sup>

*Establishment of a centralized intelligence service.* The success of national security relies not only on the information gathered but also on the timely and effective dissemination of that information to all relevant agencies and policymakers.<sup>433</sup> Ultimately, this process seems to be lacking in Sri Lanka because different intelligence constituencies operate under a different organization. For example, the National Intelligence Bureau and the Directorate of Military Intelligence and Police intelligence operate separately, which has resulted in a duplication of critical information, and wasted money and effort in strategic intelligence planning.<sup>434</sup>

The Indian intelligence system operates under the Joint Intelligence Committee (JIC) and functions under the Cabinet Secretariat.<sup>435</sup> Every other intelligence community, such as the Research and Analysis Wing (RAW) or the Intelligence Bureau, function

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<sup>431</sup> Gumeet Kanwal, “Indian Border Security: Poor Management in Evidence,” Institute of Peace and Conflict Studies, 2007, 2–4, <https://www.files.ethz.ch/isn/55209/IPCS-IssueBrief-No55-GurmeetKanwal.pdf>.

<sup>432</sup> See Chapter Five, page 96, of this thesis for the Proposed New Homeland Security Model for Sri Lanka.

<sup>433</sup> Fergal Somers, “Hybrid: Unifying Centralised and Distributed Network Management Using Intelligent Agents,” *IEEEExplore* (August 2002): 33-37, <http://ieeexplore.ieee.org/stamp/stamp.jsp?arnumber=539390>.

<sup>434</sup> H. S. S. Nissanka, “Sri Lanka’s Foreign Intelligence Services Needs Sophistication,” *Daily News*, December, 1, 2003, <http://archives.dailynews.lk/2003/12/01/fea09.html>.

<sup>435</sup> Ejaz Akram, “A Comparative Analysis of the Structures and Function of Intelligence Community in Israel and India,” *Defence Journal*, <http://www.defencejournal.com/sept99/analysis.htm>.

directly under the JIC for better control, oversight, and effectiveness.<sup>436</sup> As Aman Bhagat highlights, ‘The JIC is responsible for coordinating and analyzing intelligence activities between RAW, the Intelligence Bureau, and the Defence Intelligence Agency.’<sup>437</sup> This “intra-agency cooperation system in India effectively contributes to achieving its national security strategy.”<sup>438</sup>

This discussion reflects the government of Sri Lanka’s need to restructure the intelligence community to achieve the highest possible level of transparency and effectiveness. Therefore, intelligence control—direction and oversight—must be ensured by the executive, legislative, and judicial branches of the government.<sup>439</sup> Further, internal arrangements within the intelligence organizations (military/civil) or external mechanisms (both domestic and international levels) are intended to achieve the highest level of control, oversight, and effectiveness to support the institutional security mechanism in order to prevent, detect, deny, and respond to any kind of threat posed by the illegal flow of men and matériel.

*A proper law enforcement force integrated with highly mobile teams* to react to any crisis is crucial for disrupting, delaying, and destroying any terrorist movement in the country. After lifting the Emergency Act 1 of 1983<sup>440</sup> in Sri Lanka, most troops have been withdrawn from Colombo, Jaffna, and many places in the North and the East. A lack of security forces deploying to these strategically important locations has resulted in many isolated incidents such as re-emergence of LTTE cells, social uprisings, and demonstrations on the Jaffna peninsula.<sup>441</sup>

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<sup>436</sup> Akram, “A Comparative Analysis.”

<sup>437</sup> Aman Bhagat, “How Does the Intelligence Service RAW function,” Quora, February 7, 2015, <https://www.quora.com/How-does-the-intelligence-service-RAW-function>.

<sup>438</sup> Ibid.

<sup>439</sup> Cristina Matei, “The Media’s Role in Intelligence Democratization,” *International Journal of Intelligence and Counterintelligence* (2013): 271-273, <http://www.tandfonline.com/doi/abs/10.1080/08850607.2014.842806>.

<sup>440</sup> “Immigration and Refugees Board of Canada, Sri Lanka Changes to Emergency Regulation and the Prevention Act of Terrorism,” Refworld, September 29, 2011, <http://www.refworld.org/docid/4f4f31eb2.html>.

<sup>441</sup> Amarasinghe, “Modus Operandi.”

India has quick reaction teams (QRTs) operating under the Central Industrial Task Force to react to any emergency.<sup>442</sup> These teams have shown remarkable results in crisis prevention situations, especially in airports, in countering terrorism.<sup>443</sup> For example, on November 26, 2008, during the Mumbai attack, the QRT of commandos effectively handle the situation, especially during the hostage situation and terrorist attacks.<sup>444</sup> As such, in the recent past, India formed another rapid reaction team to protect its maritime domain. The Maritime Rapid Reaction Force's primary task is to conduct naval special operations including countering the nuclear environment in asymmetric warfare operations.<sup>445</sup> India is now in the process of acquiring new equipment for these teams and providing better training to achieve speedy reaction.

Special counterterrorism forces or QRTs can give the government a significant advantage over terrorists and other criminal groups.<sup>446</sup> Therefore, Sri Lanka must have professionally trained, well-equipped quick reaction teams to deploy in strategic locations to react to any emergency. The forces primarily deter various types of terrorist operations, especially by disrupting, delaying and destroying terrorist movement and criminal activities. However, these teams need to be placed directly under a strategic command like the Joint Operational Command (JOC) for better coordination with the Department of Homeland Security, the Department of Immigration, Border Control and Security Management, the office of the Chief of Defence Staff, and the Ministry of Defence.

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<sup>442</sup> "CSF Deploys Quick Reaction Teams to Counter Terror Strikes in Indian Airports," Firstpost, August 28, 2016, <http://www.firstpost.com/india/csf-deploys-quick-reaction-teams-to-counter-terror-strikes-in-indian-airports-2980352.html>.

<sup>443</sup> Ibid.

<sup>444</sup> Puneet Nicholas Yadev, "Delhi Plans a Quick Reaction Team," December 12, 2008, <http://www.dnaindia.com/india/report-delhi-plans-a-quick-reaction-team-1213686>.

<sup>445</sup> Vijay Sakhuja, "Maritime Rapid Reaction force," *Indian Defence Review* 21, no. 4 (2006), <http://www.indiandefencereview.com/spotlights/maritime-rapid-reaction-force/>.

<sup>446</sup> "CSF Deploys Quick Reaction Teams," *Firstpost*.

## 2. International and Regional Measures

Foreign agreements and collaboration in countering terrorism have been sporadic at best.<sup>447</sup> Individual countries have political, economic and diplomatic interests that lead to greater cooperation with other countries. Of the cases examined here, India, Sri Lanka, and the Bahamas all reflect that need for bi-lateral discussions with neighbors and other countries. For example, the Sri Lankan ethnic conflict has been linked to Tamil Nadu and the Tamil diasporas. Similar patterns can also be observed in India and the Bahamas. Most criminal activities, including financing and terrorist activities, are linked to overseas criminal and terror networks.

Foreign collaboration is at least helpful and may be critical to the success of any counterterrorism planning.<sup>448</sup> All collaboration plans, for example, can benefit from shared research and intelligence, mutual extradition agreements, and aid, for instance, in the forms of training of special operation platoons and necessary equipment for special teams.<sup>449</sup> On the other hand, these agreements are mutually beneficial in terms of counter-financing of terrorism and prevention of terrorism support.<sup>450</sup> Therefore, the government of Sri Lanka must address the following areas to tighten domestic security gaps while enhancing the economic sector with the collaboration of regional and international partners:

- a. Introducing new multilateral and by-lateral agreements on immigration laws and a border control system to prevent human, weapon, and drug trafficking as well as trans-border terrorism.
- b. Signing new agreements and collecting data about human smuggling, drug trafficking, trans-border and international terrorism.

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<sup>447</sup> Alistair Millar, "Multilateral Counterterrorism: Harmonizing Political Direction and Technical Expertise," policy analysis brief, December 2010, 1, <http://globalcenter.org/wp-content/uploads/2012/07/MillarPAB1210.pdf>.

<sup>448</sup> Stewart M. Patrick, "A Global War on Terror: Multilateral Achievements Since 9/11," *The Internationalist*, August 19, 2011, <http://blogs.cfr.org/patrick/2011/08/19/a-global-war-on-terror-multilateral-achievements-since-911/>.

<sup>449</sup> Ibid.

<sup>450</sup> "Country Reports on Terrorism 2013," Sri Lanka Bureau of Counterterrorism.



- c. Creating foreign agreements and reviewing existing agreements with India and Western countries to ban the LTTE, prevent the financing and supporting of terrorism by the Tamil diaspora.
- d. Signing a Memorandum of Understanding on military, intelligence operations, and training for special operations with regional and other foreign partners to enhance security.

### **C. BOTTOM LINE**

Security has become an important issue in sovereign states from which citizens seek protection against internal and external threats. Sound security concepts have made great states achieve remarkable success in engaging their adversaries.<sup>451</sup> Every country must have a proper domestic organization to react to any emergency. In the Sri Lankan context, “it is obvious that Sri Lanka still capitalizing on the old Westminster arrangement, as their strategies to face eventualities.”<sup>452</sup> As such, it is about time Sri Lanka focuses on a coordinated homeland security concept to meet eventualities including the re-emergence of the LTTE due to Tamil Nadu refugees and the Tamil diaspora, the advent of such extremism as Muslim religious fundamentalism, the rekindling of ethnic conflicts and sectarian violence, organized crime, and smuggling.

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<sup>451</sup> John Fass Morton, *Next Generation Homeland Security: Network Federalism and the Course to National Preparedness* (Annapolis, MD: Naval Institute Press, 2012), 14–15.

<sup>452</sup> Wickramasinghe, “Reforming Security Sector to Inculcate Professionalism.”

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## V. CONCLUSION

Like many countries in a postwar situation, Sri Lanka faces potential threats from various sources. Different forms of crime, terrorism, and ideological threats are a few examples. Because these threats challenge national security, the government must counter these threats, ensure the safety of the nation, and continue with peace and prosperity. As such, the government must have a robust system of combined information sharing, foreign policy, economic affairs, defense, and international law to mitigate social, political, and economic threats posed by illegal immigrants. Hence, the government of Sri Lanka must focus on a coordinated homeland security concept to meet eventualities.

The concept of “homeland security” came into effect after the 9/11 attack in the United States.<sup>453</sup> The mission of the U.S. Department of Homeland Security (DHS) is to prevent terrorist attacks on U.S. soil and to avoid an event as catastrophic as 9/11 in the future.<sup>454</sup> As such, the proposed homeland security concept for Sri Lanka combines efforts to ensure a safe homeland for citizens and to secure it against terrorism and other hazards.<sup>455</sup> Accordingly, Sri Lanka’s national security strategy must be redesigned, and policy must address critical issues that affect the country’s defense, foreign policy, as well as economic and internal matters.<sup>456</sup>

### A. A NEW HOMELAND SECURITY CONCEPT FOR SRI LANKA

Sri Lanka needs a well-coordinated homeland security strategy to counter threats like criminal activities, terrorism, religious extremism, and sectarian violence linked to immigration.

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<sup>453</sup> Morton, *Next Generation Homeland Security*, 14–15.

<sup>454</sup> *Ibid.*

<sup>455</sup> *Ibid.*, 14.

<sup>456</sup> Wickramasinghe, “Reforming Security Sector to Inculcate Professionalism,” 144.

## 1. Fundamental Aim for Homeland Security Strategy

C. Wickramasinghe proposes reforms in the security sector and introduces a new organization for Sri Lanka's homeland security (see Figure 10).<sup>457</sup>

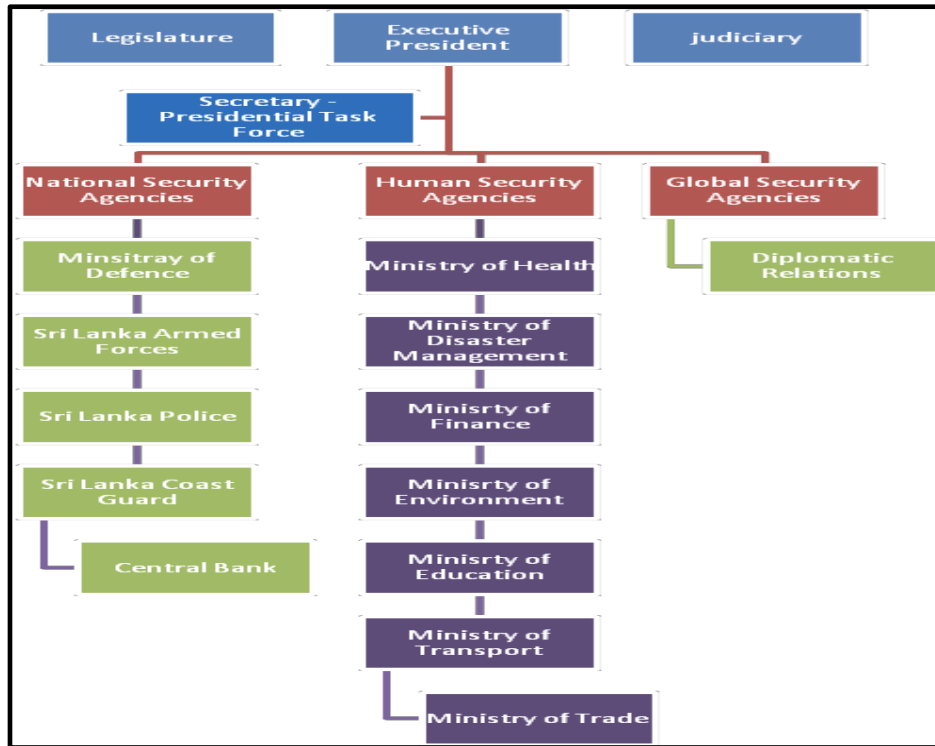


Figure 10. National Security Model for Sri Lanka.<sup>458</sup>

According to his proposed model, the executive branch of Sri Lanka's government exercises control over the Presidential Task Force (PTF) with the legislative and judiciary branches.<sup>459</sup> The PTF is headed by the secretary and responsible to the president and the parliament. As Wickramasinghe describes, "The main concept of the homeland security, which are prevention, protection, response, and minimize disruption and restore the function of critical infrastructure is applied to this model as well."<sup>460</sup> The

<sup>457</sup> Wickramasinghe, "Reforming Security Sector to Inculcate Professionalism," 146.

<sup>458</sup> Source: Wickramasinghe, "Reforming Security Sector to Inculcate Professionalism," 146.

<sup>459</sup> Wickramasinghe, "Reforming Security Sector to Inculcate Professionalism," 145.

<sup>460</sup> Ibid., 146.

model that Wickramasinghe describes is the foundation of the new homeland security model introduced in this chapter. As such, in the new model, the secretary of homeland security falls immediately under the executive, legislative, and judiciary branches of the government of Sri Lanka for better democratic control, oversight, and effectiveness.<sup>461</sup>

The proposed homeland security model focuses on the security threats imposed by illegal immigrants, such as the re-emergence of the LTTE due to Tamil Nadu refugees and the Tamil diaspora; the advent of such extremism such as Muslim religious fundamentalism; the rekindling of ethnic separation and sectarian violence; organized crime; and smuggling. Most importantly, the model targets the links between the criminal and terrorist networks of the LTTE.

## **2. Effective Coordination and Response**

The model introduced here is primarily focused on preventing, detecting, denying, and responding to security threats and the flow of illegal men and materials into and through Sri Lanka. *Prevention* includes stopping individuals from engaging in terrorist, criminal, and other extremist activities.<sup>462</sup> *Detection* consists of identifying such activities and organizations that may pose threats to national security.<sup>463</sup> *Denial*, on the other hand, includes restricting the movements, means, and opportunities to carry out terrorist and criminal activities. Finally, a rapid and comprehensive *response* to their activities in an organized manner mitigates activities and their effects.<sup>464</sup> These four elements are discussed in the following paragraphs.

### **a. Prevention**

Some immigrants pose national security challenges including the threat of terrorism, violent extremism, and criminal activities. To counter these threats effectively, awareness must exist among citizens, law enforcement agencies, and the government of

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<sup>461</sup> Wickramasinghe, "Reforming Security Sector to Inculcate Professionalism," 146.

<sup>462</sup> Heath-Kelly, "Counter-Terrorism and the Counterfactual," 395–397.

<sup>463</sup> Cabinet Office, *The National Security Strategy*, 29.

<sup>464</sup> *Ibid.*, 30; and Ginsburg, *Countering Terrorist Mobility*, 75.

Sri Lanka.<sup>465</sup> This obligates the government to share knowledge with citizens about the nature of threats to foster a deeper understanding of particular actions such as law enforcement (knowledge of policies, laws, and acts), public safety, and awareness.<sup>466</sup> Government agencies need to better inform citizens, so citizens can help mitigate threats.<sup>467</sup> Similarly, other government departments—such as the SLBFE, the Department of Foreign Affairs, the Department of Border Security and Management, and the Ministry of Defence—should have supporting programs that directly or indirectly help to mitigate threats and help the government and society organize effective domestic mechanisms to respond to such threats.<sup>468</sup>

Further, apart from domestic threat-prevention programs, the government of Sri Lanka must coordinate its efforts, especially in intelligence coordination with international alliances, to prevent financing and support of terrorism and other criminal activities<sup>469</sup>

**b. Detection**

Acquiring information early is necessary to counter threats posed by illegal immigrants. Detection requires strong intelligence capacities and capabilities and sharing of strategic-level information with domestic and international partners.<sup>470</sup> All intelligence agencies must be placed under the strategic command of the proposed DHS establishment for better functioning and controlling of intelligence community.<sup>471</sup> Laws and policies must be enacted for the democratic functioning of the intelligence community in order to achieve democratic control oversight and effectiveness.<sup>472</sup> Border Security Management, the Department of Immigration and Emigration, the Chief of Defence Staff, and the

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<sup>465</sup> Wickramasinghe, “Reforming Security Sector to Inculcate Professionalism,” 146.

<sup>466</sup> Cabinet Office, *The National Security Strategy*, 26–27.

<sup>467</sup> Wickramasinghe, “Reforming Security Sector to Inculcate Professionalism,” 146.

<sup>468</sup> *Ibid.*, 146.

<sup>469</sup> *Ibid.*

<sup>470</sup> Wills et al., *Measuring the Effectiveness of Border Security*, 12.

<sup>471</sup> Matei, “Intelligence Reform in New Democracies: Factors Supporting or Arresting Progress.” 606.

<sup>472</sup> *Ibid.*, 607.

Department of Bureau and Intelligence must function under the DHS for better coordination and smoother functioning of all institutions.

**c. Denial**

The government of Sri Lanka should focus on denying access to all illegal immigrants, terrorists, and other criminals.<sup>473</sup> Further, the government must deny the means and opportunities to carry out activities and the flow of illegal persons as well as materials and to protect Sri Lanka and its citizens.<sup>474</sup> The proper functions of intelligence and law enforcement (policies, acts, and laws), action (use of force), prosecution, and domestic and international cooperation would mitigate vulnerabilities and prevent all criminal activities.<sup>475</sup> However, the end state is to deny all access through Sri Lanka's finance, critical infrastructure, and critical transportation systems.<sup>476</sup> Additionally, managing borders with neighboring countries and enhancing border and supply-chain security to combat terrorism with an electronic information system and risk management are important for denying all access.<sup>477</sup> As such, proper coordination with Border Security Management, the intelligence community, and Special Operation Teams must be organized and placed under the operational command of the proposed DHS. Further, these agencies need to coordinate with the international intelligence community, international non-governmental organizations (INGOs) and neighboring countries to deny persons and materials access to the country.<sup>478</sup>

**d. Response**

The immediate response to any emergency often involves a well-coordinated plan between law enforcement agencies and other organizations.<sup>479</sup> However, the response to

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<sup>473</sup> Wills et al., *Measuring the Effectiveness of Border Security*, 7.

<sup>474</sup> Ibid.

<sup>475</sup> Wills et al., *Measuring the Effectiveness of Border Security*, 10–13.

<sup>476</sup> Ginsburg, *Countering Terrorist Mobility*, 12–13.

<sup>477</sup> Ibid., 13.

<sup>478</sup> Wickramasinghe, "Reforming Security Sector to Inculcate Professionalism," 146.

<sup>479</sup> Morton, *Next Generation Homeland Security*, 101.

any threat must include both domestic and international considerations.<sup>480</sup> The domestic plan should be integrated with law enforcement agencies, QRTs, intelligence agencies, and all levels of government authority. The international plan should encompass a regional and global action plan to counter terrorism, criminal networks, and the financing of terrorism.<sup>481</sup> The response to terrorists and other criminal activities abroad should be coordinated with other countries through the Ministry of Foreign Affairs, the Ministry of Defence, and DHS.<sup>482</sup> Further, the proposed DHS has the primary responsibility for the overall coordination of responding to domestic terrorism and criminal activities through the office of the Chief of Staff, the Joint Operational Command Center (including all three military forces, the police, and QRTs), the Department of Immigration and Emigration, and Border Security Management—supported by public affairs as well as non-governmental organizations (NGOs) and INGOs. In order to ensure the safety and legality of actions, Justice Emergency Teams (groups of legal counselors) need to be attached to law enforcement to provide coordinated legal advice and support.<sup>483</sup>

### **3. Conceptual Model Designed for Sri Lanka**

These details are outcomes of the collective actions of all DHS components, which include law enforcement, the intelligence community, other government departments, agencies, international partners, citizens, INGOs, and NGOs. All actions require an intelligence network system, which includes collecting information on the flow of men and materials, sharing that information, and acting on the information in a timely manner to prevent, detect, deny, and respond to threats against Sri Lanka effectively.<sup>484</sup> Figure 11 provides further understanding of the new model for Sri Lanka's homeland security:

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<sup>480</sup> Patrick, "A Global War on Terror."

<sup>481</sup> Ginsburg, *Countering Terrorist Mobility*, 52–57.

<sup>482</sup> Wickramasinghe, "Reforming Security Sector to Inculcate Professionalism," 146.

<sup>483</sup> Ginsburg, *Countering Terrorist Mobility*, 52–54.

<sup>484</sup> Wills et al., *Measuring the Effectiveness of Border Security*, 8.



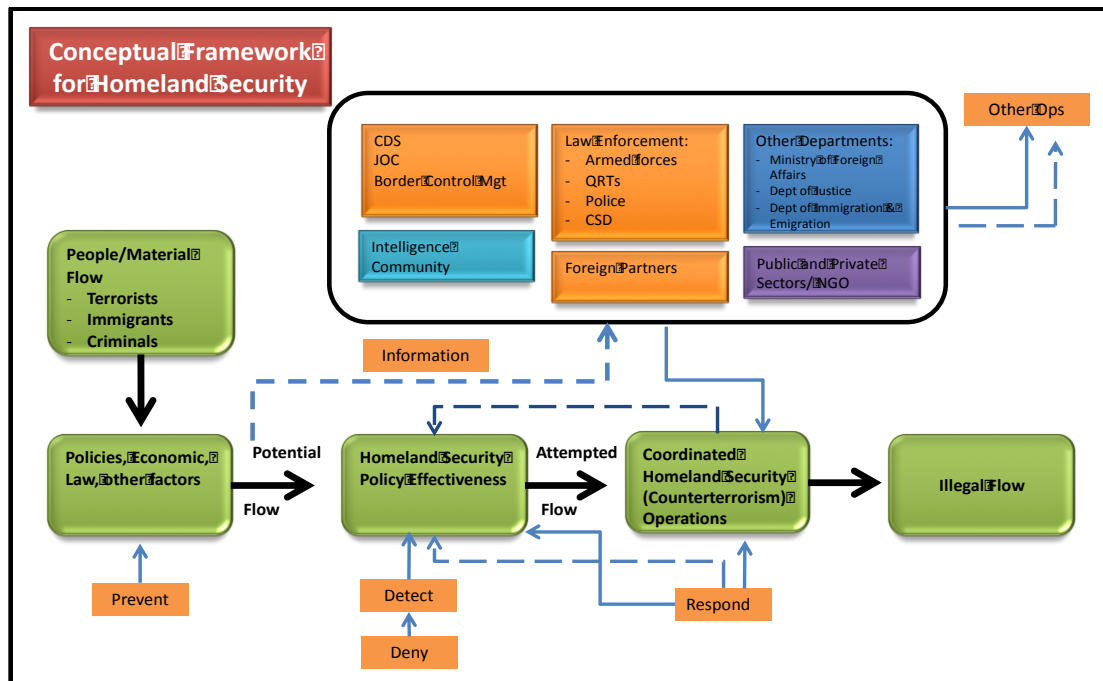


Figure 11. Conceptual Model for Homeland Security.<sup>485</sup>

A summary of the tasks assigned for each department and law enforcement appears in Table 1 for clear identification. As such, the model comprises all elements, such as the office of the CDS, the JOC, Border Security Management, the intelligence community, law enforcement, and other departments, placed under the command of the DHS for proper coordination.

<sup>485</sup> Adapted from Wills et al., *Measuring the Effectiveness of Border Security*, 8.

Table 1. Summary of Tasks Performed by the Departments, Law Enforcement, and Other Organizations.

Srl No	Departments	Task				Remarks
		Prevent	Detect	Deny	Response	
1.	DHS	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>a. Formulate and implement all immigration policies and counterterrorism strategies.</li> <li>b. Coordinate and plan all events pertaining to security threats, domestically and internationally.</li> <li>c. Establish proper command and control during the campaign.</li> </ul>
2.	Office of CDS	✓	—	✓	✓	<ul style="list-style-type: none"> <li>a. Coordinate with the DHS and the JOC to formulate counterterrorism campaign planning and preparedness programs for any disaster.</li> <li>b. Identify threats and earmark troops for any impending threats.</li> </ul>
3.	JOC	✓	—	✓	✓	<ul style="list-style-type: none"> <li>a. Coordinate all law enforcement forces, elements of the public and private sectors with QRTs for quick response to any threat.</li> </ul>

4.	Border Management and Security	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>a. Provide information about the flow of illegal men and materials.</li> <li>b. Ensure security of the borders.</li> <li>c. Prevent illegal immigration, smuggling, drug trafficking, and cross border terrorism.</li> </ul>
5.	ICs	—	✓	✓	—	<ul style="list-style-type: none"> <li>a. Identify threats and provide timely information to the policy makers.</li> <li>b. Conduct counter-intelligence campaigns.</li> <li>c. Establish proper flow of information, domestically and internationally.</li> </ul>
6.	Law Enforcement Armed Forces, Police, CSF and QRTs	—	✓	✓	✓	<ul style="list-style-type: none"> <li>a. Prepare for quick response to any threats.</li> <li>b. Plan to execute national emergency management framework.</li> </ul>
7.	Foreign Partners	—	✓	✓	—	<ul style="list-style-type: none"> <li>a. Establish proper coordination with own DOD and the MOD, and DHS of Sri Lanka to support an information-sharing system and domestic security mechanism in Sri Lanka.</li> <li>b. Obtain assistance to detect and deny the illegal flow of men and materials from home</li> </ul>

						and neighboring countries.
8.	Public and Private Sector/NGOs	✓	✓	—	✓	a. Assist the government in implementing policies and strategies to ensure the safety of the people. b. Support the government in sponsored public awareness programs.

The strategic concern of Sri Lanka in the present context is how best the county can meet challenges posed by immigrants, terrorists, and other criminals internally and externally. On the other hand, the strategic aim of homeland security has now become a priority and a challenge as to how such missions can best be achieved through coordinated plans and effective practices simultaneously.<sup>486</sup> Further, emergency management, resource mobilization, and counterterrorism response in homeland security require interagency, inter-governmental, private sector, and NGO coordination to achieve success.<sup>487</sup>

## B. FINAL THOUGHTS

At present, migration is a nodal point in the internal security of Sri Lanka. As such, the government of Sri Lanka has taken measures to minimize undocumented immigration and securitization measures to prevent insurgency movements in the future, especially by adopting strong immigration policies, border security, and counterterrorism strategies. However, controlling borders is not an easy task for any sovereign state. Manning seaports and airports to deter illegal immigrants, illegal activities, and the rise of terrorism and extremism is a major challenge faced by the government of Sri Lanka in the present.

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<sup>486</sup> Morton, *Next Generation Homeland Security*, 14.

<sup>487</sup> Ibid.

Sri Lanka has become a vital place for many foreign counterparts because of its strategic location in the Indian Ocean. The strategic location of Sri Lanka has been manipulated by various groups to carry out their activities because as a classic transit point, it has access to sea and air routes to many destinations in the world. The strategic location of the country is an attractive factor for immigrants. Not only its strategic location but also certain gaps in its laws—its immigration and border control system—have resulted in an increase in immigrants and illegal activities in recent years. The lack of immigration policies and counterterrorism strategies has resulted in an increase in immigrants and their impact on national security.

The re-emergence of the LTTE can develop as an action of political or military support to the existing Tamil ideology of forming a separate state in Sri Lanka. The re-emergence of LTTE terrorism in Sri Lanka with the support of the Tamil diaspora in the long term cannot be ignored. According to Ibrahim, “Immigrant communities established in foreign countries are believed to frequently support insurgencies in their homelands.”<sup>488</sup> At present, the Tamil diaspora with the umbrella organizations of the PTGTE, the GTF, and the BTF has tried to generate political pressure in Sri Lanka by claiming a separate Eelam state. On the other hand, the Eastern province may pose another potential threat of Islamic fundamentalism because of immigration.

National security raises a debate about how policy and counterterrorism strategy feeds into Sri Lanka, while highlighting the possible struggle over political, social, economic, and cultural criteria to satisfy the people of the country. The term “securitization” of migration, on the other hand, implies the further categorization of immigration because of the economic and foreign policy of the country. However, considering the ongoing threats posed by immigrants that favor the potential for increasing the securitization of migration, which includes reform of the comprehensive policies, the practice of immigration control, and effectively coordinated counterterrorism strategies to monitor immigrants can enhance the national security of Sri Lanka.

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<sup>488</sup> Ibrahim, “The Securitization of Migration,” 172.

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